Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO							
Application No:	12/999,202	Filing date:	December 15, 2010				
First Named Inventor:	Yukifumi YAMADA						
Title of the Invention: SLIDE	DEVICE FOR VEHICLE						
SUBMITTED VIA EFS-WI	RTICIPATION IN THE PCT-PPH PILOT PROGE EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	RAM ALONG V AVAILABLE	MITH THE REQUIRED DOCUMENTS MUST BE AT				
APPLICANT HEREBY ABOVE-IDENTIFIED A	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC	T-PPH PROC T-PPH PROC	GRAM AND PETITIONS TO MAKE THE GRAM.				
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT PCT/JP09/064691							
	The international date of the corresponding PCT application(s) is/are: August 24, 2009						
 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached. See Appendix A Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. See Appendix B Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.							

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO				
			(continued)	
Application No.:	Application No.: 12/999,202			
First Named Inventor		mi YAMADA et al.		
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached				
		een filed in the above-identif	fied U.S. application on December 15, 2010	
	of all doo	cuments (except) for U.S.	patents or U.S. patent application publications)	
\Box		peen filed in the above-ident	tified U.S. application on December 15, 2010	
II. Claims Corre	sponde	ence Table:		
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence				
16		1	Substantially Identical	
17		2	Identical	
18		3	Remove Multiple Dependencies	
19		4	Remove Multiple Dependencies	
20		5	Remove Multiple Dependencies	
21		6	Identical	
22		7	Identical	
23		8	Substantially Identical	
24		9	Remove Multiple Dependencies	
25		10	Remove Multiple Dependencies	
26		11	Identical	
27		12	Remove Multiple Dependencies	
28		13	Remove Multiple Dependencies	
29		14	Remove Multiple Dependencies	
30		15	Remove Multiple Dependencies	
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application. See Appendix E (Preliminary Amendment)				

Signature Ster CV	Date 12/22/10
Name (Print/Typed) Steven B. Chang	Registration Number 59,423

Request for Participation in the Patent Prosecution Highway U.S. Patent Application Serial NO. 12/999,202 Attorney Docket No. 373115US26PCT

Appendix A

Copy of the Latest International Work Product

特許協力条約

発信人 日本国特許庁(国際調査機関)



代理人	
小林 脩	
	LA4-
	様
あて名	
(Ø) (½)	

PCT 国際調査機関の見解書

(法施行規則第40条の2) 日本国愛知県名古屋市熱田区金山町一丁目19番1 [PCT規則43の2.1] 3号 川島ビル 2階 発送日 13.10.2009 (日.月.年) 出願人又は代理人 今後の手続きについては、下記2を参照すること。 の書類記号 PCT09812 国際出願日 優先日 国際出願番号 (日.月.年) 27.08.2008 (日.月.年) 24.08.2009 PCT/JP2009/064691 国際特許分類 (IPC) Int.Cl. B60N2/06(2006.01)i 出願人(氏名又は名称) アイシン精機株式会社

1. この見解書は次の内容を含む。

▼ 第 I 欄 見解の基礎

Г 第Ⅱ欄 優先権

第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成 Г

第Ⅳ欄 発明の単一性の欠如

▼ 第V欄 PCT規則 43 の 2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、

それを裏付けるための文献及び説明

「 第VI欄 ある種の引用文献

第VII欄 国際出願の不備

第Ⅷ欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国 際予備審査機関がPCT規則 66.1 の 2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみな さない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日か ら3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当 な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

02.10.2009

名称及びあて先

日本国特許庁(ISA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号 特許庁審査官(権限のある職員)

堅田 多恵子

電話番号 03-3581-1101 内線 3386

様式PCT/ISA/237 (表紙) (2007年4月)

3 R

3741

国際調査機関の見解書

第I欄	見解の基礎				· · · · · · · · · · · · · · · · · · ·		
1. 言語に関し、この見解書は以下のものに基づき作成した。							
•	▶ 出願時の言語による国際出願						
□ 出願時の言語から国際調査のための言語である 語に翻訳される				- 語に翻訳された、この[-	国際出願の翻訳文		
	(PCT規則1						
2.			規則 91 の規定により国際調査 た (PCT規則 43 の 2.1(b))		又は国際調査機関に通知	1された明らかな誤りの	
3. 3	の国際出願で開	示された	ヌクレオチド又はアミノ酸配列	別に関して、以	下に基づき見解書を作成	した。	
					•		
а.	タイプ	Γ	配列表				
		Γ	配列表に関連するテーブル				
Ъ.	フォーマット	Г	紙形式			-	
		Г	電子形式				
С.	提出時期	Γ	出願時の国際出願に含まれて	いたもの			
		Γ	この国際出願と共に電子形式	により提出され	れたもの		
		Γ	出願後に、調査のために、こ	の国際調査機関	関に提出されたもの		
4. Г			列表に関連するテーブルを提出した配列と同一である旨、又 した配列と同一である旨、又				
5. 補	i足意見:						
į							

国際調査機関の見解書

国際出願番号 PCT/JP2009/064691

第	第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則 43 の 2.1(a)(i)に定める見解、 それを裏付る文献及び説明					
1.	見解					
	新規性(N)	請求項 請求項		有無		
	進歩性(IS)	請求項 請求項		有無		
	産業上の利用可能性(IA)	請求項 請求項		有無		
2.	文献及び説明					
	-【0023】、図1-	-図4 370 A(アイ	イシン精機株式会社) 2008.03.06, 段落【0022 イシン精機株式会社) 2007.05.10, 段落【0017			
			る発明は、国際調査報告に引用されたいずれの文献 とって自明なものでもない。	伏		

Request for Participation in the Patent Prosecution Highway U.S. Patent Application Serial NO. 12/999,202 Attorney Docket No. 373115US26PCT

Appendix B

Copy of all Claims Indicated as Having Novelty, Inventive Step and Industrial Applicability in the Corresponding PCT Application

請求の範囲

第1のレールと、 [請求項1]

> 前記第1のレールに対して相対的に移動可能に支持される第2のレ ールと、

> 前記第2のレールにおいて前記第1のレールと対向する作動面と、 その作動面と逆側面からなる非作動面とをレールの移動方向両端でそ れぞれ連通して設けられた取着部と、

> 該取着部に取着され、前記作動面と、前記第1のレールにおいて該 作動面に対向する面とに接触して転動するとともに、前記連通した部 位を介して前記非作動面側に転動循環する複数の転動体を有する転動 体循環ユニットと、を備えることを特徴とする車両用スライド装置。

請求項1において、前記取着部は、前記第2のレールにおいて前記 [請求項2] 第1のレールと対向して設けられた板状部の一部によって構成された 転動体作動部と、その転動体作動部におけるレールの移動方向両端に 設けられた切欠き部とを有することを特徴とする車両用スライド装置

請求項1又は2において、前記取着部の前記作動面は、前記第1の [請求項3] レールの角部に対向する一定勾配を有する傾斜面状に形成され、該取 着部は、前記第2のレールの断面において複数箇所に形成されている ことを特徴とする車両用スライド装置。

請求項2又は3において、前記転動体作動部に装着した前記転動体 「請求項4] 循環ユニットを前記切欠き部で保持することを特徴とする車両用スラ イド装置。

請求項1乃至4の何れか一項において、前記転動体循環ユニットは [請求項5] 、前記転動体が転動循環する環状の溝が各形成面に形成された第1、 第2ケースが前記形成面同士で接合されて構成されるケースを有して いることを特徴とする車両用スライド装置。

請求項1において、前記取着部は、前記第2のレールにおいて前記 「請求項6]

第1のレールと対向して設けられた板状部の一部によって構成され、 前記第2のレールの長手方向に延在し平行に突出した第1、第2転動 体作動部を有し、前記転動体循環ユニットは、前記転動体が前記第1 、第2転動体作動部で夫々転動循環する循環通路と、該循環通路の内 側に設けられ、前記第1、第2転動体作動部が嵌合される嵌合部とを 有することを特徴とする車両用スライド装置。

[請求項7]

請求項6において、前記第1のレールにおける前記第1、第2転動体作動部の作動面に対向する第1、第2の面は、逆の一定勾配を有する傾斜面状に形成されていることを特徴とする車両用スライド装置。

[請求項8]

請求項6又は7において、前記取着部は、前記第1、第2転動体作動部におけるレールの移動方向両端に設けられた切欠き部を有し、前記第1、第2転動体作動部に装着した前記転動体循環ユニットを前記切欠き部で保持することを特徴とする車両用スライド装置。

「請求項9〕

請求項6乃至8の何れか一項において、前記転動体循環ユニットは 、前記転動体が前記第1、第2転動体作動部で夫々転動循環し、前記 第1、第2転動体作動部の前記非作動面側で前記転動体が混合せずに 交互に転動循環可能な共有溝部及び隔壁部を有する2個の環状の溝が 各形成面に形成された第1、第2ケースが前記形成面同士で接合され て構成されるケースを有していることを特徴とする車両用スライド装 置。

[請求項10]

請求項5又は9において、前記第1ケースには前記環状の溝の内側 を貫通する嵌合穴が穿設され、前記第2ケースには前記嵌合穴に対応 する嵌合溝が設けられ、前記嵌合穴及び前記嵌合溝に前記転動体作動 部を嵌入して前記転動体循環ユニットを前記転動体作動部に装着する ことを特徴とする車両用スライド装置。

「請求項11]

請求項10において、前記嵌合穴と前記転動体作動部には弾性変形 して係合する弾性係合部が形成されていることを特徴とする車両用ス ライド装置。

- [請求項12] 請求項5又は9乃至11の何れか一項において、前記環状の溝は、 円錐曲線部を有する長円環状に形成されていることを特徴とする車両 用スライド装置。
- [請求項13] 請求項5又は9乃至12の何れか一項において、前記第1、第2ケースは、一端側で開閉自在に接合されており、前記第1、第2ケースの他端側には、前記第1、第2ケースを閉じて固着するための係合部が設けられていることを特徴とする車両用スライド装置。
- [請求項14] 請求項1乃至13の何れか一項において、前記第1レールは車両フロア側に固定されるように適合され、前記第2レールより長さが長いことを特徴とする車両用スライド装置。
- [請求項15] 請求項1乃至14の何れか一項において、前記第1のレールは前記 車両のフロアに固定されるロアレールであり、前記第2のレールは前 記車両のシートに固定されるアッパレールであり、前記転動体循環ユ ニットは前記アッパレールの取着部に取着されることを特徴とする車 両用スライド装置。

Request for Participation in the Patent Prosecution Highway U.S. Patent Application Serial NO. 12/999,202 Attorney Docket No. 373115US26PCT

Appendix C

English Language Translation of Appendix A

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: KOBAYASHI, Osamu KAWASHIKA Bldg., 2nd Floor 1-19-13, Kanayamacho, Atsuta-ku, Nagoya-shi, Aichi-ken, 456-0002 JAPAN

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

Aichi-ken, 456-0002 JAPAN		(PCT Rule 43bis.1)			
	Date of mailing (day/month/year)	13.10.2009			
Applicant's or agent's file reference	FOR FURTHER	ACTION			
PCT09812		See paragraph 2 below			
International application No. PCT/JP2009/064691 International filing dat		Priority date (day/month/year) 27.08.2008			
International Patent Classification (IPC) or both national classific B60N2/6 (2006.01) i	cation and IPC				
Applicant AISIN SEIKI KABUSHIKI KAIS	НА				
This opinion contains indications relating to the following it	ems:				
Box No. I Basis of the opinion					
Box No. II Priority					
Box No. III Non-establishment of opinion with reg	gard to novelty, inventive step and industrial applicability				
Box No. IV Lack of unity of invention					
Box No. V Reasoned statement under Rule 43bis. citations and explanations supporting	l(a)(i) with regard to nov such statement	velty, inventive step and industrial applicability;			
Box No. VI Certain documents cited					
Box No. VII Certain defects in the international ap	plication				
Box No. VIII Certain observations on the internation	onal application				
2. FURTHER ACTION					
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered.					
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to subm a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of ma PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.					
For further options, see Form PCT/ISA/220.					
3. For further details, see notes to Form PCT/ISA/220.					

Name and mailing address of the ISA/	Date of completion of this opinion	Authorized officer
Japanese Patent Office	02.10.2009	
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/064691

	Вс	X N	o. I Basis of the opinion	
1.	. With regard to the language, this opinion has been established on the basis of:			
	\boxtimes	the	e international application in the language in which it was filed	
			ranslation of the international application into, which is the language of a translation furnished for the rposes of international search (Rules 12.3(a) and 23.1 (b)).	
2.		Th ∙by	his opinion has been established taking into account the rectification of an obvious mistake authorized or notified to this Authority under Rule 91 (Rule 43bis.1(a))	
3.	Wi ne	ith re	egard to any nucleotide and/or amino acid sequence disclosed in the international application and sary to the claimed invention, this opinion has been established on the basis of:	
	a.	type	of material:	
			a sequence listing	
			table(s) related to the sequence listing	
b. format of material:				
			on paper	
			in electronic form	
	C.	time	of filling/furnishing:	
			contained in the international application as filed.	
			filed together with the international application in electronic form.	
	•		furnished subsequently to this Authority for the purposes of search.	
4.		ha CC	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as opropriate, were furnished.	
5.	Ac	dditic	onal comments:	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/064691

Box No. V	Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement				
1. Statemen	ıt .				
Nove	lty (N)	Claims	1-15	_ YES	
		Claims		_ NO	
lnven	tive step (IS)	Claims	1-15	YES	
		Claims		_ NO	
Indus	strial applicability (IA)	Claims	1-15	YES	
		Claims		_ NO	
Docume 2008.	03.06,		A(Aisin Seiki Kabushiki Kaisha) ,]; Figs. 1 to 4		
2007.0	Document 2: JP2007-112370 A (Aisin Seiki Kabushiki Kaisha), 2007.05.10, Par. Nos. [0017] to [0025]; Figs. 1 to 7				

The invention according to Claims 1-15 respectively is not disclosed in any Documents cited in the Internatinal Search Report and would not be obvious to a person skilled in the art.

i, <u>Osamu Kobayshi</u>					
Japanese and English languages and that the attached document is, to the best of my					
knowledge and belief, a true and accurate English translation of the Written Opinion of					
the International Searching	Authority issued in International Application No.				
PCT/JP2009/064691.					
	Date; December 6, 2010				
Full name of the translator	Osamu Kobayashi				
Signature of the translator	Canu Invagante				
	\mathcal{J}				
Post Office Address;	3-6, Kamiimaike, Morioka, Higashiura-cho, Chita-gun,				
	Aichi-ken, 470-2101, Japan				

Request for Participation in the Patent Prosecution Highway U.S. Patent Application Serial NO. 12/999,202 Attorney Docket No. 373115US26PCT

Appendix D

English Language Translation of Appendix B

CLAIMS:

[1] A slide device for a vehicle comprising:

a first rail:

a second rail supported on the first rail and relatively movable thereto;

an attaching portion provided with connecting regions for connecting an operating surface formed at the second rail and facing to the first rail and a non-operating surface formed at a reverse side of the operating surface at both ends thereof in a rail moving direction; and a rolling element circulation unit attached to the attaching portion and having a plurality of rolling elements rolling by contacting with the operating surface and a surface formed at the first rail and facing to the operating surface and at the same time rolling and circulating to the non-operating surface via the connecting region.

- [2] The slide device for a vehicle according to Claim 1, wherein the attaching portion is provided with a rolling element operating portion formed by a portion of a plate shaped portion formed at the second rail and facing to the first rail and a recessed portion provided at the both ends in a rail moving direction of the rolling element operating portion.
- [3] The slide device for a vehicle according to Claim 1 or 2, wherein the operating surface of the attaching portion is formed with an inclined surface shape having a constant inclination facing to a corner portion of the first rail and wherein the attaching portion is formed at plural portions of the second rail in cross section.
- [4] The slide device for a vehicle according to Claim 2 or 3, wherein the rolling element circulation unit attached to the rolling element operating portion is held by the recessed portion.
- The slide device for a vehicle according to any one of Claims 1 through 4, wherein the rolling element circulation unit is formed by a case having a first case and a second case each being provided with an annular groove, in which the rolling elements roll and circulate, at each forming surface of the first and the second cases, the case being formed by bringing the first and the second cases contact with each other at the forming surfaces.
- [6] The slide device for a vehicle according to Claim 1, wherein the attaching portion is formed at the second rail by plate shaped portions facing to the first rail and includes a first and a

second rolling element operating portions extending in parallel with each other in a longitudinal direction of the second rail and wherein the rolling element circulation unit includes circulation passages, in which the rolling elements roll and circulate, at the first and the second rolling element operating portions, respectively and fitting portions provided at the inner portions enclosed by respective circulation passages for receiving the first and the second rolling element operating portions.

- [7] The slide device for a vehicle according to Claim 6, wherein a first surface and a second surface are formed at the first rail with inclined surface shapes having constant inclinations reversed with respect to each other facing to the operating surfaces of the first and the second rolling element operating portions.
- [8] The slide device for a vehicle according to Claim 6 or 7, wherein the attaching portion includes a recessed portions provided at the both ends of the first and the second rolling element operating portions in a rail moving direction and wherein the rolling element circulation unit attached to the first and the second rolling element operating portions is held by the recessed portion.
- [9] The slide device for a vehicle according to any one of Claims 6 through 8, wherein the rolling element circulation unit includes a case formed by bringing a first case and a second case contact with each other at forming surfaces on which two annular grooves are respectively formed and wherein the rolling elements roll and circulate at the first and the second rolling element operating portions in each of the two annular grooves, and each of the two annular grooves has a common groove and a partition wall portion for making the rolling elements capable of rolling and circulating alternately without mixing with each other at the non-operating surface side of the first and the second rolling element operating portions.
- [10] The slide device for a vehicle according to Claim 5 or 9, wherein the first case is bored to form a fitting hole penetrating through the inner portion enclosed by the annular groove, the second case is provided with a fitting groove corresponding to the fitting hole and the rolling element circulation unit is attached to the rolling element operating portion by inserting the rolling element operating portion into the fitting hole and the fitting groove.

- [11] The slide device for a vehicle according to Claim 10, wherein the fitting hole and the rolling element operating portion are formed with elastically engaging portions to engage with each other by elastic deformation.
- [12] The slide device for a vehicle according to any one of Claims 5 and 9 through 11, wherein the annular grooves are formed with an oval and annular shape having conic curve portions.
- [13] The slide device for a vehicle according to any one of Claims 5 and 9 through 12, wherein the first and the second cases are connected at one end side to be freely openable and closable and engaging portions are provided at the other end side of the first and the second cases for fixing the first and the second cases by closing.
- [14] The slide device for a vehicle according to any one of Claims 1 through 13, wherein the first rail is adapted to be fixed to a vehicle floor side and is longer than the second rail in lengthwise.
- [15] The slide device for a vehicle according to any one of Claims 1 through 14, wherein the first rail is the lower rail fixed to the vehicle floor, the second rail is the upper rail fixed to a vehicle seat and wherein the rolling element circulation unit is attached to the attaching portion of the upper rail.

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English and Japanese languages, and that the attached English language translation is an accurate translation of the claims of PCT/JP2009/064691 which were indicated by the latest international work product as having, novelty, inventive step and industrial applicability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date; December 6, 2010

Full name of the translator:

Osamu Kobayashi

Signature of the translator:

Post Office Address: 3-6, Kamiimaike, Morioka, Higashiu fa-cho, Chita-gun,

Aichi-ken, 470-2101, Japan

Request for Participation in the Patent Prosecution Highway U.S. Patent Application Serial NO. 12/999,202 Attorney Docket No. 373115US26PCT

Appendix E

Preliminary Amendment



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

l	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	12/999,202	12/15/2010	Yukifumi Yamada	373115US26PCT	3291	
	•	7590 03/15/201 YAK, MCCLELLAND N	EXAMINER			
	1940 DUKE S' ALEXANDRI		•	ART UNIT	PAPER NUMBER	
				3632		
				NOTIFICATION DATE	DELIVERY MODE	
				03/15/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com



1 4 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET **ALEXANDRIA VA 22314**

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

In re application of Yamada et al.

Application No. 12/999,202 Filed: December 15, 2010

SLIDE DEVICE FOR VEHICLE

DECISION ON REQUEST TO PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO or USPTO:
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of December 22, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz, Quality Assurance Specialist Technology Center 3600

BM/BM: 03/11/11

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

Iment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO					
Application No:	12/999,216	Filing date:	December 15, 2010		
First Named Inventor:	Bernhard Griese				
Title of the Invention: METHO	D FOR PRODUCING CLEAR A	ND SOLU	JBLE CEREAL-BASED EXTRACT		
SUBMITTED VIA EFS-W HTTP://WWW.USPTO.GO	/EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	AVAILABLE			
	TREQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC				
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding PCT application number(s) is/are: PCT/EP2010/051790 The international filing date of the corresponding					
PCT application(s) is/are: February 12, 2010 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identifiedcorresponding PCT application(s)					
Is attached	Is attached				
	Is not attached because the document is already in the U.S. application.				
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is not attache	Is <u>not</u> attached because the document is already in the U.S. application.				
 English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 					

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO					
	(continued)				
Application No.:	o.: 12/999,216				
First Named Inventor:	Bernha	ard Griese			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 15, 2010 December 15, 2010 II. Claims Correspondence Table:					
Claims in US Application in th		Patentable Claims in the corresponding PCT Application	Explanation regarding the corr	respondence	
PC1 Application		1 OT Application	Please see the attached Claims Correspondence Table.		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
11 ° 5 mg 5 5 ° 1° 4 mg mg mg c					
				_{Date} August 3, 2011	
Name (Print/Typed) Louis J. DelJuidice Registration Number 47,522				Registration Number 47,522	

Docket No.: 086612-0057 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer Number: 20277 In re Application of

Bernhard GRIESE, et al. Confirmation Number: 3411

Application No.: 12/999,216 Group Art Unit: 1781

Filed: December 15, 2010 Examiner: Vera STULII

METHOD FOR PRODUCING CLEAR AND SOLUBLE CEREAL-BASED EXTRACT For:

CLAIM CORRESPONDENCE TABLE

Claims in	Patentable	Explanation regarding the correspondence
US	Claims in the	
Application	corresponding	
	PCT	
	Application	
44	1	US claim 44 directly corresponds to IPRP claim 1 as amended
		March 3, 2011
45	2	US claim 45 corresponds to IPRP claim 2, however deleting ", such
		as at least 70 deg. Celsius,at least 140 deg. Celsius."
46	4	US claim 46 corresponds to IPRP claim 4, however deleting "such
		as " and adding markush language
47	5	US claim 47 directly corresponds to IPRP claim 5
48	7	US claim 48 directly corresponds to IPRP claim 7
49	12	US claim 49 directly corresponds to IPRP claim 12
50	13	US claim 50 directly corresponds to IPRP claim 13
51	15	US claim 51 directly corresponds to IPRP claim 15
52	17	US claim 52 directly corresponds to IPRP claim 17
53	18	US claim 53 directly corresponds to IPRP claim 18
54	20	US claim 54 directly corresponds to IPRP claim 20, however
		deleting from "such as 40%"
55	21	US claim 55 directly corresponds to IPRP claim 21
56	22	US claim 56 directly corresponds to IPRP claim 22
57	28	US claim 57 directly corresponds to IPRP claim 28
58	30	US claim 58 directly corresponds to IPRP claim 30
59	32	US claim 59 directly corresponds to IPRP claim 32
60	34	US claim 60 directly corresponds to IPRP claim 34
61	36	US claim 61 directly corresponds to IPRP claim 36

62	40	US claim 62 directly corresponds to IPRP claim 40 except for the limitation of "wherein the wort is concentrated to a dry matter content of at least 30% by weight" However this is already in IPRP claim 1.
64	20	US claim 64 directly corresponds to IPRP claim 20, however deleting from "such as 40%"
65	40	US claim 65 directly corresponds to IPRP claim 40 except for the limitation of "wherein the wort is concentrated to a dry matter content of at least 30% by weight" However this is already in IPRP claim 1.
66	40	US claim 66 directly corresponds to IPRP claim 40 except for the limitation of "wherein the wort is concentrated to a dry matter content of at least 30% by weight" However this is already in IPRP claim 1.

PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: Inspicos A/S Kogle Allé 2 NOTIFICATION OF TRANSMITTAL OF P.O. Box 45 THE INTERNATIONAL PRELIMINARY 2970 Hørsholm REPORT ON PATENTABILITY DANEMARK (PCT Rule 71.1) Date of mailing 04.05.2011 (day/month/year) Applicant's or agent's file reference 17486PCT00 IMPORTANT NOTIFICATION International application No. International filing date (day/month/year) Priority date (day/month/year) PCT/EP2010/051790 12.02.2010 13.02.2009 Applicant Harboes Bryggeri A/S

- The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
- 2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016 Authorized Officer

Gerar, Naziha

Tel. +31 70 340-4579



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or ag	ent's file reference	FOR FURTHER A	CTION	See Form PCT/IPEA/416		
International application No. International filing da PCT/EP2010/051790 12.02.2010		(day/month/year)	Priority date (day/month/year) 13.02.2009			
International Pate INV. A23L2/70	, ,	r national classification and	IPC			
Applicant Harboes Bryg	geri A/S					
		oreliminary examination raransmitted to the applica		this International Preliminary Examining 36.		
2. This REP	ORT consists of a tot	al of 8 sheets, including	his cover sheet.			
3. This repo	rt is also accompanie	d by ANNEXES, comprisi	ng:			
a. 🛭 se	nt to the applicant an	d to the International Bure	eau) a total of 13 she	ets, as follows:		
	sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).					
se						
pa	paragraph 3 <i>bis</i> of Annex C of the Administrative Instructions).					
4. This repo	rt contains indications	relating to the following i	tems:			
⊠ Box N	o. I Basis of the i	eport				
☐ Box N	o. II Priority					
☐ Box N	o. III Non-establisl	nment of opinion with reg	ard to novelty, inventiv	e step and industrial applicability		
☐ Box N	o. IV Lack of unity	of invention				
⊠ Box N	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1	☐ Box No. VI Certain documents cited					
		ts in the international app				
│	Box No. VIII Certain observations on the international application					
Date of submission of the demand		Date of completion of	this report			
29.10.2010	29.10.2010		04.05.2011			
Name and mailing address of the international preliminary examining authority:			Authorized officer			
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas		Diller, Reinhard	21.50 (M)			
Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016			Telephone No. +31 7	0 340-9418		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2010/051790

_	Во	x No. I Basis of	the report					
1.	Wit	Vith regard to the language, this report is based on						
	\boxtimes	⊠ the international application in the language in which it was filed □						
		□ a translation of the international application into , which is the language of a translation furnished for the purposes of: □ international search (under Rules 12.3(a) and 23.1(b)) □ publication of the international application (under Rule 12.4(a))						
		☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))						
2.	hav	Nith regard to the elements* of the international application, this report is based on <i>(replacement sheets which</i> have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this eport as "originally filed" and are not annexed to this report):						
	Des	scription, Pages						
		, 6, 8-27	as originally filed					
	4, 5		filed with the letter of			27-10-2010		
Claims, Numbers								
	1-40	0	filed with telefax on 03-0	03-2011				
Drougings Shoots								
Drawings, Sheets 1/4-4/4 filed with the letter of				27-10-2010				
	., .		med with the letter of			27-10-2010		
		a sequence listin	g - see Supplemental Bo	x Relating to Sequence	Listing.			
3.		The amendment	s have resulted in the car	cellation of:				
		the descriptio						
		☐ the claims, No ☐ the drawings,						
		☐ the sequence	listing (specify):	, , , , , , , , , , , , , , , , , , ,				
		☐ any table(s) r	elated to sequence listing	(specify):				
4. This report has been established as if (some of) the amendments annexed to this report and had not been made, since either they are considered to go beyond the disclosure as filed, or the accompanied by a letter indicating the basis for the amendments in the application as filed, as in Supplemental Box (Rules 70.2(c) and (c-bis)):						were not		
☐ the description, pages ☐ the claims, Nos.								
		the drawings,						
		☐ the sequence	usung (<i>specify)</i> :					
5.		This opinion has by or notified to t	been established taking i his Authority under Rule	nto account the rectific 91 (Rule 70.2 (e)).	ation of an obvious mista	ke authorized		
6.			nternational search reporting up this report		have been received and ta	ıken into		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2010/051790

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims <u>1-40</u>

No: Claims

Inventive step (IS) Yes: Claims 1-40

No: Claims

Industrial applicability (IA) Yes: Claims <u>1-40</u>

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1 WO 2008/083718 A1 (FAYROUZ INTERNAT AG [CH]; ZAYAT AHMED [US]; ALAA EL ZAYAT SHERIF [EG];) 17 July 2008 (2008-07-17)
- D2 WO 02/102960 A1 (ISP INVESTMENTS INC [US]) 27 December 2002 (2002-12-27)
- D3 GB 854 455 A (CANADIAN BREWERIES LTD) 16 November 1960 (1960-11-16)
- D4 EP 0 088 397 A2 (RAIBLE KARL) 14 September 1983 (1983-09-14)
- D5 WO 2005/113738 A1 (INBEV SA [BE]; ADAM PIERRE [BE]; HASELAARS PATRICK [BE]; JANSSENS PHIL) 1 December 2005 (2005-12-01)
- D6 EP 0 620 272 A2 (MERCK & CO INC [US]) 19 October 1994 (1994-10-19)
- D7 US 2 919 193 A (SVANTE BERNTSSON NILS) 29 December 1959 (1959-12-29)
- D8 GB 826 862 A (PRIPP & LYCKHOLM AB) 27 January 1960 (1960-01-27)

1. Novelty and inventive step

1.1 Claims 1-16

1.1.1 Document D1 discloses (cf. claim 5, fig. 1 and 2, p. 4, l. 15- p. 7, l. 16) a method of producing a non-fermented malt beverage comprising milling malt and rice grains, mashing malt (mixed with water for 60 min at 45 °C) and rice in two different kettles (addition of alpha- and beta-amylase enzymes to the rice kettle is foreseen in order to obtain soluble sugar as well as adjusting the pH to 5.2 during mashing), filtering the mash and collecting the wort. Further, the wort is boiled at approx. 103°C

for 90 min, wherein during the last 5-10 min of the wort boil 5g/hl of stabilizing agent (e. g. Tanal B) is added, followed by a trub separation step and a cooling step (about 1°C for 3 to 5 days) whereby simultaneously hot and cold precipitated protein is removed by sedimentation to obtain clear wort.

However, D1 fails to disclose <u>a concentration step</u>, wherein the dry matter content of the wort is increased to a <u>dry matter content of at least 30% by weight</u>, and <u>a hot filtration step at a temperature in the range of 30-90°C</u> which renders the subject-matter of claim 1 of dependent claims 2-16 novel.

Thus, the subject-matter of claims 1-16 is novel in the sense of Article 33(2) PCT over D1.

- 1.1.2 D1 provides a stable and clear malt beverage and seems to be directed to the same subjective technical problem as the present application (see p. 1, I. 3-5 of the description) and is hence considered as <u>closest prior art</u>.
- 1.1.3 As outlined above, D1 does not disclose the concentration step. The <u>technical</u> <u>effect</u> of this distinguishing feature is considered as <u>forced precipitation of haze</u>. Further, the hot filtration step represents a second distinguishing feature which <u>eliminates the hot break</u> obtained in the concentration step.
- 1.1.4 Hence, the <u>problem to be solved</u> by the subject-matter of claim 1 is considered as the provision of a method of producing a concentrated extract which is not hazy when being heated.
- 1.1.5 As the person skilled in the art gets no motivation to solve this problem in view of D1 and he/she would not arrive at the method of claim 1 by combining the teaching of D1 with the totality of the prior art (either D2, D3, D4, D5, D6, D7 or D8) without employing any inventive skill, the subject-matter of claim 1 and of dependent claims 2-16 is considered as being non obvious.

Thus, the subject-matter of claims 1-16 of the present application is considered <u>as involving an inventive step</u> (Article 33(3) PCT), and therefore the criteria of Article 33 (1) PCT are met.

1.2 <u>Claim 17</u>

The subject-matter of claim 17 does not comprise all features of <u>amended claim 1</u> and is therefore considered as independent claim (Rule 6.4(a) PCT).

1.2.1 D1 is considered as closest prior art for the subject-matter of claim 17 for the same reason as stated above.

1.2.2 The subject-matter of claim 17 is distinguished insofar as D1 does not teach a step of <u>subjecting the chilled wort to centrifugation and/or filtration</u> and further to a step of <u>hot</u> filtration.

Consequently, the subject-matter of claim 17 is novel in the sense of Article 33(2) PCT over D1.

- 1.2.3 The <u>technical effect</u> of said distinguishing features is considered as <u>elimination</u> of the cold <u>break</u> (by centrifugation/filtration of the chilled wort) and <u>elimination of the hot break</u> (by hot filtration).
- 1.2.4 Accordingly, the <u>problem to be solved</u> by the subject-matter of claim 17 is considered as the provision of a method of producing a concentrated extract which is not hazy when being chilled and heated.
- 1.2.5 As the person skilled in the art gets no motivation to solve this problem in view of D1 and he/ she would not arrive at the method of claim 17 by combining the teaching of D1 with the totality of the prior art (either D2, D3, D4, D5, D6, D7 or D8) without employing any inventive skill, the subject-matter of claim 17 is considered as being non obvious.

Thus, the subject-matter of claim 17 of the present application is considered <u>as involving an inventive step</u> (Article 33(3) PCT), and therefore the criteria of Article 33 (1) PCT are met.

1.3 Claim 18

The subject-matter of claim 18 does not comprise all features of <u>amended claim 1</u> and is therefore considered as independent claim (Rule 6.4(a) PCT).

- 1.3.1 D1 is considered as closest prior art for the subject-matter of claim 18 for the same reason as stated above.
- 1.3.2 The subject-matter of claim 18 is distinguished insofar as D1 does not directly and unambiguously disclose steps of <u>subjecting the chilled wort to centrifugation and/or filtration</u>, separating the solids from the chilled wort by <u>ultrafiltration</u>, subjecting the ultrafiltrated wort to <u>ion-exchange steps</u>, and further a step of <u>hot filtration</u>.

Consequently, the subject-matter of claim 18 is novel in the sense of Article 33(2) PCT over D1.

1.3.3 The <u>technical effect</u> of said distinguishing features is considered as <u>elimination</u> of <u>coarse</u> and <u>fine cold break</u> (by centrifugation/ filtration of the chilled wort and subsequently by ultrafiltration), <u>removal of precipitating ions</u> such as calcium (by ion-exchange) and <u>elimination of the hot break</u> (by hot filtration).

- 1.3.4 Accordingly, the <u>problem to be solved</u> by the subject-matter of claim 18 is considered as the provision of a method of producing a concentrated extract which is not hazy when being chilled and heated and is depleted of precipitating ions.
- 1.3.5 As the person skilled in the art gets no motivation to solve this problem in view of D1 and he/ she would not arrive at the method of claim 18 by combining the teaching of D1 with the totality of the prior art (either D2, D3, D4, D5, D6, D7 or D8) without employing any inventive skill, the subject-matter of claim 18 is considered as being non obvious.

Thus, the subject-matter of claim 18 of the present application is considered <u>as involving an inventive step</u> (Article 33(3) PCT), and therefore the criteria of Article 33 (1) PCT are met.

1.4 Claims 19-39

Claims 19-39 are dependent claims and are consequently also considered as novel (Article 33(2) PCT) and inventive (Article 33(3) PCT).

1.5 Claim 40

Claim 40 is a product-by-process claim which is only allowable under the conditions elaborated in the PCT-Guidelines II, 5.26 and 5.27. Claims for products defined in terms of a process of manufacture are allowable only, if the product is per se novel and inventive.

The subject-matter of claim 40 has been amended by introducing the dry matter content of at least 30% by weight.

- 1.5.1 D1 is considered as closest prior art for the subject-matter of claim 40 for the same reason as stated above.
- 1.5.2 The subject-matter of claim 40 is distinguished insofar as D1 does not directly and unambiguously disclose a concentrated cereal-based extract wherein wort is concentrated to a dry matter content of at least 30% by weight.

Consequently, the subject-matter of claim 40 is novel in the sense of Article 33(2) PCT over D1.

1.5.3 The <u>technical effect</u> of said distinguishing feature is considered as an <u>increased dry matter content</u> of the extract depleted of cold and hot break.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

PCT/EP2010/051790

- 1.5.4 Accordingly, the <u>problem to be solved</u> by the subject-matter of claim 40 is considered as the provision of a concentrated extract which is not hazy when being diluted.
- 1.5.5 As the person skilled in the art gets no motivation to solve this problem in view of D1 and he/ she would not arrive at the concentrated extract of claim 40 by combining the teaching of D1 with the totality of the prior art (either D2, D3, D4, D5, D6, D7 or D8) without employing any inventive skill, the subject-matter of claim 40 is considered as being non obvious.

Thus, the subject-matter of claim 40 of the present application is considered <u>as involving an inventive step</u> (Article 33(3) PCT), and therefore the criteria of Article 33 (1) PCT are met.

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CLAIMS - 2nd March 2011

- 1. A method of producing a concentrated cereal-based extract comprising the steps of:
- subjecting a wort to a heat treatment with a stabilisation agent;
- subjecting the heat-treated wort to a cold stabilisation step, wherein the wort is chilled and
 the solids from said chilled wort are separated to obtain a clarified wort;
 - subjecting the clarified wort to a concentration step, wherein the dry matter content of the wort is increased to a dry matter content of at least 30% by weight to obtain a concentrate;
 - subjecting the concentrate to a hot filtration step at a temperature in the range of 30-90°C to obtain the concentrated cereal-based extract.
- 2. The method according claim 1, wherein said heat treatment comprises increasing the temperature of the wort to at least 60 deg. Celsius, such as at least 70 deg. Celsius, such as at least 80 deg. Celsius, such as at least 90 deg. Celsius, such as at least 100 deg. Celsius, such as at least 110 deg. Celsius, such as at least 120 deg. Celsius, such as at least 130 deg. Celsius, including at least 140 deg. Celsius.
- 3. The method according to claim 2, wherein said heat treatment is conducted for a time period in the range of 1-120 minutes.
 - 4. The method according to any one of claims 1-3, wherein said stabilisation agent is silica gel preparations such as hydrogels and xerogels, silicasol, polyvinylpolypyrrolidone (PVPP), bentonite, gelatine, isinglass, carrageenan and mixtures thereof.
- 5. The method according to any one of claims 1-4, wherein the cold stabilisation step comprises the following steps:
 - subjecting the wort to a chilling step;
 - subjecting the chilled wort to centrifugation and/or filtration;
 - optionally subjecting the resulting wort to a second chilling step;
- 25 treating the chilled wort with a stabilisation agent;

Inspicos/03/03/201102/03/2011/08:1309:64

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- subjecting the resulting chilled wort to a clarification step separating the solids from said chilled wort by sedimentation.
- 6. The method according to claim 5, wherein the stabilisation agent is selected from the group consisting of silica gel preparations (hydrogels, xerogels), silicasol, polyvinylpolypyrrolidone (PVPP), bentonite, gelatine, isinglass, carrageenan, enzymes and mixtures thereof.
- 7. The method according to any one of claims 5-6, wherein the wort is chilled to a temperature in the range of -2 to 15 deg. Celcius.
- 8. The method according to claim 7, wherein the wort is chilled to a temperature in the range
 of -2 to 5 deg. Celcius.
 - 9. The method according to claim 5, wherein the sedimentation is conducted by storing the chilled wort for a time period of at least 12 hours, including at least 1 day, 2 days, 3 days, 4 days or 5 days.
- 10. The method according to claim 9, wherein the sedimented material is removed to obtain15 a clarified wort.
 - 11. The method according to claim 10, wherein the clarified wort is further treated by centrifugation and/or filtration, optionally with a filtration agent.
 - 12. The method according to any one of claims 1-4, wherein the cold stabilisation step comprises the following steps:
- 20 subjecting the wort to a chilling step;
 - subjecting the resulting chilled wort to a clarification step separating the solids from said chilled wort by ultrafiltration.
 - 13. The method according to claim 12, wherein the wort is chilled to a temperature in the range of -2 to 10 deg. Celcius.
- 25 14. The method according to claim 12, wherein the wort before ultrafiltration is pre-treated by centrifugation and/or filtration.

Inspicos/03/03/201192/93/2911/08:1399:54

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- 15. The method according to any one of claims 1-14, wherein the clarified wort is treated by ion-exchange before the concentration step.
- 16. The method according to claim 15, wherein the ion-exchange is an anion-exchange or a combination of an anion-exchange and a cation exchange.
- 5 17. A method of producing a concentrated cereal-based extract comprising the steps of:
 - subjecting a wort to heat treatment with a stabilisation agent;
 - optionally adjusting the pH of the heat-treated wort;
 - subjecting the heat-treated wort to a chilling step;
 - subjecting the chilled wort to centrifugation and/or filtration;
- 10 optionally subjecting the resulting wort to a second chilling step;
 - treating the chilled wort with a stabilisation agent;
 - subjecting the resulting chilled wort to a clarification step separating solids from said chilled wort by sedimentation;
 - removing the sedimented material to obtain a clarifled wort;
- treating the clarified wort by centrifugation and/or filtration, optionally with a filtration agent;
 - subjecting the resulting wort to a concentration step, wherein the dry matter content of wort is increased and collecting the resulting concentrate;
- subjecting the concentrate to a hot filtration step to obtain the concentrated cereal-based 20 extract.
 - 18. A method of producing a concentrated cereal-based extract comprising the staps of:
 - subjecting a wort to a heat treatment with a stabilisation agent;

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4.

- optionally adjusting the pH of the heat-treated wort;
- subjecting the heat-treated wort to a chilling step;
- subjecting the chilled wort to centrifugation and/or filtration;
- subjecting the resulting chilled wort to a clarification step separating solids from said chilled
 wort by ultrafiltration;
 - subjecting the ultrafiltrated wort to one or more ion-exchange steps;
 - subjecting the resulting wort to a concentration step, wherein the dry matter content of wort is increased and collecting the resulting concentrate;
 - optionally adjusting the concentrate for sweetness by enzyme treatment;
- subjecting the concentrate to a hot filtration step to obtain the concentrated cereal-based extract.
 - 19. The method according to any one of claims 1-18, wherein said hot filtration step is a kleseigur filtration.
- 20. The method according to any one of claims 1-19, wherein the wort is concentrated to a dry matter content of at least 30% by weight; such as 40% by weight; such as 50% by weight; such as at least 60% by weight; such as at least 70% by weight; including at least 80% by weight.
- 21. The method according to any one of claims 1-19, wherein the clarity of the resulting concentrated cereal-based extract is less than 1.3 EBC at 90° scatter light at 860 nm in a 7 brix solution.
 - 22. The method according to any one of claims 1-21, wherein the concentrated cereal-based extract is adjusted for sweetness.
 - 23. A method according to claim 22, wherein the adjustment for sweetness is by adding an anzyme.

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- 24. A method according to claim 23, wherein the pH of the concentrated cereal-based extract is adjusted before addition of the enzyme.
- 25. The method according to any one of the claims 1-24, wherein the concentrated cereal-based extract is subjected to a further concentration step.
- 5 26. The method according to claim 25, wherein the cereal-based extract subjected to a further concentration step is formulated as a syrup, a powder or a granulate.
 - 27. The method according to any one of claims 1-26, wherein the wort is treated with one or more enzymes before the heat treatment.
- 28. The method according to any one of claims 1-27, wherein the wort is treated with one ormore proteolytic enzymes before the heat treatment.
 - 29. The method according to any one of claims 1-28, wherein the pH of the heat treated wort is adjusted and the content of calcium is adjusted before cold stabilisation.
 - 30. The method according to any one of claims 1-29, wherein the method prior to the heat treatment comprises the following steps:
- 15 (a) providing a milled cereal material;
 - (b) suspending the milled cereal in an aqueous liquid and making an aqueous extraction (mashing);
 - (c) separating the solids and the wort of the resulting suspension;
 - (d) collecting the wort.
- 31. The method according to claim 30, wherein in step (a) the cereal material is selected from the group consisting of barley, wheat, rye, rice, corn, sorghum, oat, spelt, emmer, einkorn, kamut, triticale, buckwheat and mixtures thereof.
 - 32. The method according to any one of claims 30-31, wherein said cereal material is maited cereal, un-maited cereal or a mixture thereof.
- 25 33. The method according to claim 32, wherein the cereal material is maited barley.

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- 34. The method according to claim 30, wherein in step (b) the milled cereal is suspended in the aqueous liquid at a temperature from 25 to 65 deg. Celsius.
- 35. The method according to claim 30, wherein step (b) is conducted for a time period of 120 to 300 minutes.
- 5 36. The method according to claim 30, wherein step (b) further comprises the addition of enzymes.
 - 37. The method according to claim 36, wherein the enzymes are selected from the group consisting of proteases, cellulases (EC 3.2.1.4); beta-glucanases, including glucan-1,3 beta-glucosidases (exo-1,3 beta-glucanases, EC 3.2.1.58), 1,4-beta-cellobiohydrolase (EC
- 3.2.1.91) and endo-1,3(4)-beta-glucanases (EC 3.2.1.6); xylanases, including endo-1,4-beta-xylanases (EC 3.2.1.8) and xylan 1,4-beta-xylosidase (EC 3.2.1.37); pectinases (EC 3.2.1.15); alpha-glucuronidase, alpha-L-arabinofuranosidase (EC 3.2.1.55), acetylesterase (EC 3.1.1.-), acetylxylanesterase (EC 3.1.1.72), alpha amylase (EC 3.2.1.1), beta-amylase (EC 3.2.1.2), glucoamylase (EC 3.2.1.3), pullulanase (EC 3.2.1.41), beta-glucanase (EC
- 3.2.1.73), hemicellulase, arabinosidase, mannanases including mannan endo-1,4-beta-mannosidase (EC 3.2.1.78) and mannan endo-1,6-alpha-mannosidase (EC 3.2.1.101), pectin hydrolase, polygalacturonase (EC 3.2.1.15), exopolygalacturonase (EC 3.2.1.67) and pectate lyase (EC 4.2.2.10).
- 38. The method according to claim 30, wherein in step (b) the pH of the aqueous liquid is adjusted to a pH from 4.0 to 8.0, such as a pH from 4.0 to 6.0.
 - 39. The method according to claim 30, wherein in step (c) the solids and the wort (aqueous-phase) of the resulting suspension are separated by a method selected from filtration, centrifugation and sedimentation.
- 40. The concentrated cereal-based extract prepared by a method according to any of claims 1-39, wherein the wort is concentrated to a dry matter content of at least 30% by weight .

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stabilisation agent; subjecting the heat-treated wort (aqueous-phase) to a chilling step; treating the chilled wort (aqueous-phase) with a stabilisation agent; subjecting the resulting chilled wort (aqueous-phase) to a clarification step separating the solids from said chilled wort (aqueous-phase); subjecting the resulting wort (aqueous-phase) to a concentration step, wherein the dry matter content of wort (aqueous-phase) is increased; collecting the resulting liquid to obtain a concentrate and finally subjecting the concentrate to a hot filtration step to obtain the concentrated cereal-based extract.

The invention further relates to a cereal-based extract prepared by a method according to the invention, and to food products, including beverages, comprising such cereal-based extract.

BRIEF DESCRIPTION OF THE FIGURES

Fig. 1 shows results from example 3 where six different stabilisation agents were tested in order to evaluate which of the agents had the biggest positive impact on the clarity of the final malt extract concentrate.

Fig. 2 shows results from example 4 where a the combination and function of two different stabilization agents were tested during a hot stabilization step in order to see which agent had the most positive impact on the clarity of the final malt extract concentrate.

Figures 3 and 4 are flow charts illustrating embodiments according to the invention

DETAILED DESCRIPTION OF THE INVENTION

As mentioned above the present invention relates to a method for producing a cereal-based extract for food products, and which is particularly useful for producing clear and haze-free beverages.

In one aspect, the method comprises the steps of: subjecting a wort to a heat treatment with a stabilisation agent; subjecting the heat-treated wort to a cold stabilisation step, wherein the wort is chilled and the solids from said chilled wort are separated to obtain a clarified wort; subjecting the clarified wort to a concentration step, wherein the dry matter content of the wort is increased to obtain a concentrate; and subjecting the concentrate to a hot filtration step to obtain the concentrated cereal-based extract.

Some embodiments according to the invention are illustrated in Figure 3.

REPLACEMENT SHEET

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In one aspect, a method of producing a concentrated cereal-based extract comprising the steps of:

- subjecting a wort to a heat treatment with a stabilisation agent;
- optionally adjusting the pH of the heat-treated wort;
- subjecting the heat-treated wort to a chilling step;
- subjecting the chilled wort to centrifugation and/or filtration;
- optionally subjecting the resulting wort to a second chilling step;
- a) treating the chilled wort with a stabilisation agent, subjecting the resulting chilled wort to a clarification step separating the solids from said chilled wort by sedimentation, removing the sedimented material to obtain a clarified wort, and treating the clarified wort by centrifugation and/or filtration, optionally with a filtration agent; or b) subjecting the

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Some embodiments according to the invention are illustrated in Figure 4.

In a further aspect, a method of producing a concentrated cereal-based extract comprising the steps of:

- subjecting a wort to a heat treatment with a stabilisation agent;
- optionally adjusting the pH of the heat-treated wort;
- subjecting the heat-treated wort to a chilling step;
- subjecting the chilled wort to centrifugation and/or filtration;

1/4

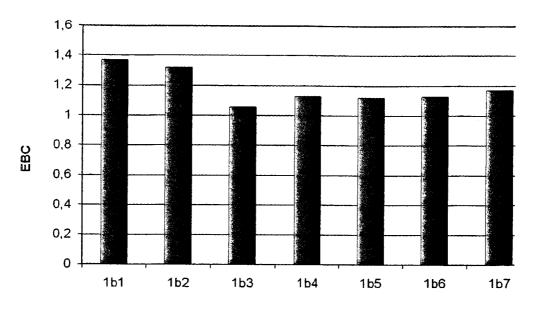


Fig. 1

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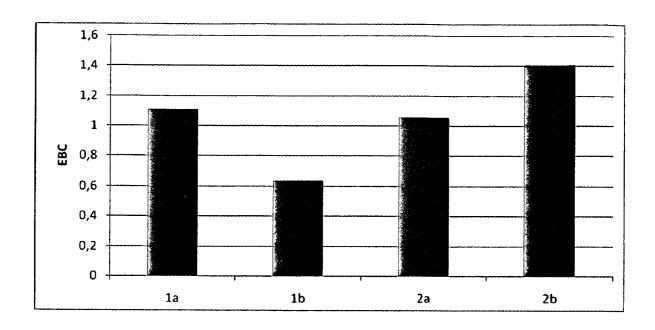
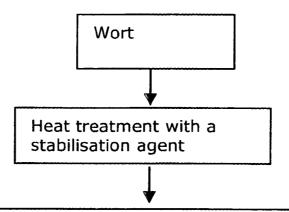


Fig. 2

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Cold stabilisation step, wherein the wort is chilled and the chilled wort is optionally centrifugated and/or filtrated, and the resulting chilled wort is a) ultrafiltrated or b) treated with a stabilisation agent and the solid is removed by sedimentation and centrifugated and/or filtrated

Subjecting the clarified wort to a concentration step, wherein the dry matter content of the wort is increased to obtain a concentrate

Hot filtration step to obtain the concentrated cereal-based extract

Fig. 3

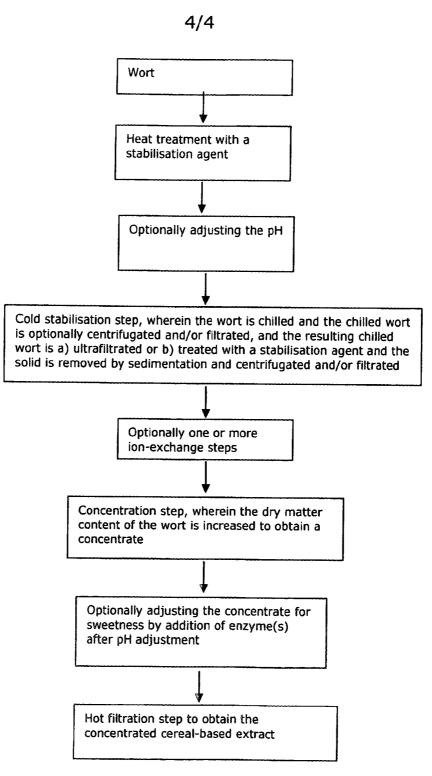


Fig. 4



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,216	12/15/2010	Bernhard Griese	086612-0057	3411
MCDERMOTT 600 13TH STR			EXAMINER STULII, VERA	
WASHINGTO	ON, DC 20005-3096		ART UNIT	PAPER NUMBER
			1781	
			·	
			NOTIFICATION DATE	DELIVERY MODE
			10/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

OCT -1 1 2011

CT

In re application of Bernhard Griese Serial No. 12/999,216

Filed: December 15, 2010

For: METHOD FOR PRODUCING

CLEAR AND SOLUBLE CEREAL-BASED EXTRACT

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 3, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/999,216

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APR 13 2011

BARLOW, JOSEPHS & HOLMES, LTD. 101 DYER STREET 5TH FLOOR PROVIDENCE RI 02903

PCT LEGAL ADMINISTRATION

In re Application of: TAIT, Jeremy U.S. Application No.: 12/999,234

PCT Application No.: PCT/EP2009/057432

International Filing Date: 16 June 2009

Priority Date: 17 June 2008

Attorney's Docket No.: E036 P02173-US For: FINANCIAL MANAGEMENT

SYSTEM

DECISION ON PETITION (37 CFR 1.182)

This decision is issued in response to the revised "PETITION UNDER 37 CFR 1.182" filed on 12 April 2011. Applicants have paid the required petition fee.

BACKGROUND

On 07 February 2011, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 15 December 2010 referenced two different international applications. Specifically, while the ADS and preliminary amendment filed by applicant identified the application as the U.S. national stage under 35 U.S.C. 371 of international application number PCT/EP2009/057431, the information provided by applicant during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international application PCT/EP2009/057432.

On 15 February 2011, applicant filed a petition under 37 CFR 1.182 in response to the communication mailed on 07 February 2011. The petition asserted that the correct international application number was PCT/EP2009/057432.

On 12 April 2011, applicant filed a revised petition under 37 CFR 1.182 requesting that the previously filed petition be disregarded and asserting that the correct international application number was in fact PCT/EP2009/057431.

DISCUSSION

The corrected petition filed on 12 April 2011 confirms that the correct international application number for the present national stage application is PCT/EP2009/057431 and that the

reference to PCT/EP2009/057432 during the electronic filing process (and in the petition filed on 15 February 2011) was erroneous. As noted in the previous communication, international application number PCT/EP2009/057431 was listed in the original application materials filed on 15 December 2010, specifically, on the application data sheet (ADS) and the preliminary amendment. Applicant has paid the required petition fee.

The corrected petition filed on 12 April 2011 satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers provided in the materials filed herein on 15 December 2010 (and in the petition filed on 15 February 2011). Accordingly, the application materials filed herein on 15 December 2010 will be treated as the U.S national stage of PCT/EP2009/057431. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/EP2009/057431, thereby avoiding abandonment of the international application with respect to the United States.

CONCLUSION

The corrected petition under 37 CFR 1.182 filed 12 April 2011 is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/EP2009/057431.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,237	12/15/2010	Marco Dezzani	Q121843	3585
23373 SUGHRUE M	•	EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 20037	,	3677	
				•
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com PPROCESSING@SUGHRUE.COM USPTO@SUGHRUE.COM

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JUN 0 9 2011

SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON DC 20037

In re application of Marco Dezzani

Application No. 12/999,237 Filed: December 15, 2010

For: IMPROVED SELF-LOCKING

NUT

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 01, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed December 15, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz, Quality Assurance Specialist Technology Center 3600

MB/MB: 06/08/11

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Alexandria, VA 22313-1450 www.uspto.gov

AUG 12 2011

BRINKS, HOFER, GILSON & LIONE P.O. BOX 110285 RESEARCH TRIANGLE PARK NC 27709

PCT LEGAL ADMINISTRATION

In re Application of:

VON DEYN, Wolfgang, et al.

U.S. Application No.: 12/999,349 PCT No.: PCT/EP2008/057531

International Filing Date: 17 June 2009

Priority Date: 18 June 2008

Attorney's Docket No.: 13779-640 For: 1,2-BENZISOTHIAZOLE

: 1,2-BENZISOTHIAZOLE COMPOUNDS USEFUL FOR

COMBATING ANIMAL PESTS

COMMUNICATION

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 16 December 2010, applicants filed papers to initiate the present U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an application data sheet (ADS), a preliminary amendment, and payment of the basic national fee.

The ADS, Transmittal Letter, and preliminary amendment filed by applicant identified the application as the U.S. national stage of international application PCT/EP2009/057531. However, as evidenced by the Electronic Acknowledgement Receipt, the information provided by applicant during the electronic filing process identified the application as the U.S. national stage of international application PCT/EP2008/057531. Thus, the initial application materials filed 16 December 2010 identified two different international application numbers to which the national stage application was purportedly directed.

Based on the information entered by applicant during the electronic filing process, the present application file was initiated in the USPTO PALM system as the national stage of PCT/EP2008/057531.

On 11 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 11 March 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration directed to PCT/EP2009/057531. The declaration was executed by eleven of the named inventors and on behalf of deceased inventor Hassan OLOUMI-SADEGHI by Gale F. MATTHEWS, identified on the declaration as "Assistant Secretary."

On 29 March 2011, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c), including the declaration requirement of 35 U.S.C. 371(c)(4), were satisfied as of 11 March 2011.

Also on 29 March 2011, a filing receipt was issued. The filing receipt identified the application as the U.S. national stage of PCT/EP2009/057531, and it included a claim of foreign priority directed to German application 10 2007 034 158.1, filed on 21 July 2007 (this German application is the priority application in PCT/EP2008/057531).

On 15 April 2011, applicants filed a "Request For Corrected Filing Receipt" requesting that the foreign priority claim be removed and that a domestic priority claim to U.S. provisional application 61/073,574 be added (this provisional application is the priority application in PCT/EP2009/057531).

On 04 August 2011, applicants filed a "Submission Under 37 C.F.R. 1.42" accompanied by a revised declaration executed on behalf of the deceased inventor by his legal representative, Faraneh OLOUMI.

DISCUSSION

1. <u>Inconsistent International Application Numbers</u>

As noted above, the initial application submission of 16 December 2010 identified two different international application numbers to which the national stage application was purportedly directed. Under such circumstances, a grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. Such correction is necessary before the materials filed 16 December 2010, including the basic national fee payment, may be treated as having been directed to either of the listed international applications, as necessary to avoid abandonment of the appropriate international application with respect to the United States.

A grantable petition must include the following: (1) payment of the \$400 petition fee; (2) a statement confirming the correct international application number; and (3) an indication that the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the applicable priority date.

It is noted that the mailing of the Notification Of Missing Requirements, Notification Of Acceptance, and filing receipt prior to the submission of a grantable petition under 37 CFR 1.182 to resolve the inconsistency in the international application numbers was premature. The

Notification Of Missing Requirements, Notification Of Acceptance, and filing receipt are therefore appropriately vacated.

Because the filing receipt mailed on 29 March 2011 has been vacated, applicants' request for a corrected filing receipt is moot.

2. <u>Submission Under 37 CFR 1.42</u>

Applicants have filed herein declarations directed to PCT/EP2009/057531 that are executed by the surviving inventors therein and on behalf of deceased co-inventor Hassan OLOUMI-SADEGHI by his legal representative. Consideration of the declarations filed under 37 CFR 1.42 with respect to the deceased inventor is held in abeyance pending the filing of a grantable petition under 37 CFR 1.182 to confirm the correct international application number.

CONCLUSION

As discussed above, a grantable petition under 37 CFR 1.182 is required to correct the inconsistent international application numbers provided by applicants at the time the present application was filed and thereby avoid abandonment of the applicable international application.

Applicants have **TWO (2) MONTHS** from the mail date of the present Communication to file the required petition under 37 CFR 1.182, the requirements of which are set forth above. Failure to file a timely and proper response will result in abandonment of the present application. Extensions of time are available under 37 CFR 1.136(a).

The "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 11 January 2011 and the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed on 29 March 2011 are hereby **VACATED**.

Consideration of applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Hassan OLOUMI-SADEGHI is **HELD IN ABEYANCE** pending submission of the required petition under 37 CFR 1.182 to confirm the correct international application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

BRINKS, HOFER, GILSON & LIONE P.O. BOX 110285 RESEARCH TRIANGLE PARK NC 27709 OCT C3 2011

PCT LEGAL ADMINISTRATION

In re Application of VON DEYN et al.

Application No.: 12/999,349 PCT No.: PCT/EP2009/057531

Int. Filing Date: 17 June 2009 Priority Date: 18 June 2008

Attorney's Docket No.: 13779-640

For: 1,2-BENZISOTHIAZOLE COMPOUNDS USEFUL FOR COMBATING ANIMAL PESTS

DECISION

This decision is in response to applicants' petition under 37 CFR 1.182 filed 17 August 2011 and applicants' request for status under 37 CFR 1.42 filed 04 August 2011.

BACKGROUND

On 16 December 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter, an Application Data Sheet (ADS), and a preliminary amendment. The international application number keyed into EFS-Web was PCT/EP08/57531. However, the international application number appearing on the Transmittal Letter, the ADS, and the preliminary amendment is PCT/EP2009/057531.

On 11 March 2011, applicants filed a submission which included, *inter alia*, a declaration of the inventors with an indication in the declaration that inventor Hassan OLOUMI-SAEGHI is deceased. This declaration was signed on behalf of the deceased inventor by Gale F. Matthews who was listed as "Assistant Secretary" and whose mailing address was indicated as "BASF Corporation".

On 04 August 2011, applicants filed a second declaration of inventors with an indication in the declaration that inventor Hassan OLOUMI-SAEGHI is deceased. This declaration was signed on behalf of the deceased inventor by Faranch OLOUMI.

On 12 August 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required. The Notification also indicated that

a decision on the request for status under 37 CFR 1.42 was held in abeyance until the above-stated inconsistency involving the international application number is resolved.

On 17 August 2011, applicants filed a petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.182

The petition fee under 37 CFR 1.182 has been charged to Deposit Account 23-1925. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/EP2009/057531**.

Request for Status under 37 CFR 1.42

The submission filed 04 August 2011 has been reviewed and has been found in compliance with 37 CFR 1.42. (The original declaration filed on 31 March 2011 was not in compliance with 37 CFR 1.42 because the person who executed the declaration on behalf of the deceased inventor is an officer of the assignee rather than the legal representative of the deceased inventor's estate.)

Declaration of the Inventor

The declaration of the inventor filed 04 August 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

For the reasons set forth above, the request for status under 37 CFR 1.42 is ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparation and mailing of:

(1) a new NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 04 August 2011; and

(2) a new Filing Receipt

(a) indicating that the instant application is a 371 of PCT/EP09/57531 which claims benefit of U.S. provisional application number 61/073,574 (and does <u>not</u> claim benefit of German application 10 2007 034 158.1) and

(b) changes the name of the legal representative of the deceased inventor to Faranch OLOUMI.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone (571) 272-3301

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

VENABLE LLP P.O. BOX 34385 WASHINGTON DC 20043-9998

MAILED NOV 2 1 2011

OFFICE OF PETITIONS

Applicants: Mathias Gehrmann, et al.

Appl. No.: 12/999,406

International Filing Date: June 16, 2009

Title: MOLECULAR MARKERS FOR CANCER PROGNOSIS

Attorney Docket: 37998-293798 Pub. No.: US 20110172928 A1

Pub. Date: July 14, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 25, 2011, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff Petitions Examiner Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON MA 02205 **MAILED**Aug 1 7 2011

OFFICE OF PETITIONS

In re Application

Chandra P. Khattak et al.

Application No. 12/999,439

Filed: May 24, 2011

Attorney Docket No. 69998US(42579)

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 27, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

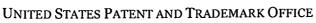
Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is GRANTED.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Technology 1714.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/ Kimberly Inabinet Petitions Examiner Office of Petitions





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

EXXONMOBIL CHEMICAL COMPANY 5200 BAYWAY DRIVE P.O. BOX 2149 BAYTOWN TX 77522-2149

MAILED NOV 0 8 2011

PCT LEGAL ADMINISTRATION

In re Application of

HELTON, et al

Application No.: 12/999,466

PCT No.: PCT/US2009/050727 Int. Filing Date: 15 July 2009

Priority Date: 28 July 2008

Atty. Docket No.: 2009EM156
For: **PROCESS OF MAKING**

ALKYLAROMATICS USING EMM-12

DECISION

This is a decision on applicants "COMMUNICATION" filed in the U.S. Patent and Trademark Office (USPTO) on 20 September 2011, which has been treated as a petition under 37 CFR 1.181 to vacate the previously mailed NOTIFICATION OF DEFECTIVE RESPONSE as well as the subsequently mailed NOTIFICATION OF ABANDONMENT. The petition is hereby **GRANTED**.

On 10 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration filed 31 January 2011 was defective because identified an inventor in addition to the sole inventor named in the international application. Subsequently, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) on 17 October 2011.

A review of the application file reveals that, during international stage processing, applicants filed a request for recording of a change with the United States Receiving Office requesting that Matthew J. Vincent as an inventor and that on 04 October 2010, the International Bureau issued a form PCT/IB/306 approving the change.

Therefore, the NOTIFICATION OF DEFECTIVE RESPONSE and thus the subsequent NOTIFICATION OF ABANDONMENT were mailed in error and are hereby <u>VACATED</u>, and the abandonment of the application is hereby <u>WITHDRAWN</u>.

A review of the application file also reveals that, with the 31 January 2011 filing of the declaration naming and executed by Terry Helton and Matthew Vincent as inventors, applicants have satisfied the requirements for entry into the national stage in the United States.

The application has an international filing date of 15 July 2009, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of 31 January 2011.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole

Senior PCT Legal Examiner

Office of PCT Legal Administration

(571) 272-3281

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO				
Application No:	12/999,499	Filing date:	March 4, 2011	
First Named Inventor:	Patrice Gaillard			
Title of the Invention:	Manufacturing Composite Conducting Fibr	es, Fibres Ol	otained by the Method, and Use of Such Fibres	
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGI IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT	
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.				
The corresponding PCT application number(s) is/are: PCT/FR2009/051225				
The international filing date of the corresponding PCT application(s) is/are: June 25, 2009				
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached				
Is <u>not</u> attached because the document is already in the U.S. application.				
b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached.				
ls <u>not</u> attach	ed because the document is already in the l	U.S. applicati	on.	
 English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 				

Registration Number 52,635

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO					
(continued)					
Application No.:	Application No.: 12/999,499				
First Named Inventor:	Patrice	Gaillard			
WO/ISA Is attac	, WO/IPE ched	disclosure statement listical, IPER) of the correspondenting in the above-identi	onding PCT application.	international work products (ISR, ember 16, 2010	
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on Claims Correspondence Table:					
Claims in US Appli	ication	Patentable Claims in the corresponding PCT Application	Explanation regarding the corre	espondence	
1, 2, 3		1, 2, 3	Substan	tially corresponds	
4		4	Substantially corresponds to 4/1		
5		5	Substantially corresponds to 5/1		
6		6	Substantially corresponds to 6/1		
7		7	Substantially correponds		
8		8	Substantially corresponds to 8/1		
9		9	Substantially corresponds to 9/7/6/1		
10, 11		10, 11	Substantially corresponds		
12		12	Substantially corresponds to 12/1		
13		13	Substantially corresponds to 13/1		
14, 15, 16, 1	7	14, 15, 16, 17	Substantially corresponds		
18		18	Substantially corresponds to 18/16/15/14/13/1		
19		19	Substantially corresponds to 19/13/1		
20		20	Substantially corresponds to 20/13/1		
21 21		21	Substantially corresponds		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature / Travis D. Boone /			Date 3 June 2011		

Name (Print/Typed) Travis D. Boone



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

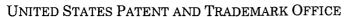
ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE 0078840-000001 12/999,499 03/04/2011 Patrice Gaillard 5730 06/22/2011 21839 7590 **EXAMINER** BUCHANAN, INGERSOLL & ROONEY PC NGUYEN, HAIDUNG D **POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404** ART UNIT PAPER NUMBER 1761 NOTIFICATION DATE DELIVERY MODE 06/22/2011 **ELECTRONIC**

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com offserv@bipc.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

JUN 22 2011

WG

In re application of

Patrice Gaillard et al.

Serial No. 12/999,499

Filed: March 4, 2011

For: METHOD OF I

METHOD OF MANUFACTURING

COMPOSITE CONDUCTING FIBRES,

FIBRES OBTAINED BY THE METHOD, :

AND USE OF SUCH FIBRES

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 3, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 12/999,499

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because Applicant has failed to explain why the claim(s) is/are not subject to the observation in Box VIII of the latest work product in the international stage.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

Iment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	12/999,499	Filing date:	March 4, 2011			
First Named Inventor:	Patrice Gaillard					
Title of the Invention: Method of	Manufacturing Composite Conducting Fibre	es, Fibres Ol	otained by the Method, and Use of Such Fibres			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGF IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML					
	TREQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC					
of another PCT applica domestic/ foreign prior priority claim in the cor to (4) above, or (6) a L	ation which claims priority to the correspond ity to the corresponding PCT application, or responding PCT application, or (5) a continu	ing PCT appl (4) a nationa uing applicati	ng PCT application, or (2) a national stage entry ication, or (3) a national application that claims I application which forms the basis for the on of a U.S. application that satisfies one of (1) visional application which forms the basis for			
The corresponding P application number(s The international filir PCT application(s) is	ng date of the corresponding					
corresponding Is attached Is not attached b. A copy of all cl above-identifie Is attached. Is not attached. c. English transla	atest international work product (WO/ISA PCT application(s) ed because the document is already in the Usaims which were indicated as having not a corresponding PCT application(s).	J.S. application velty, invento J.S. application e are attache	on. ive step and industrial applicability in the on. ed (if the documents are not in the English			

Registration Number 52635

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM

NEGOI		EPO AND THE USPTO			
		(continued)			
Application No.: 12/999,499					
First Named Inventor: Patrice Gaillard					
WO/ISA, WO/I Is attached Has already	PEA, IPER) of the corresponder	December 16, 2010			
Are attached Have already	been filed in the above-ide	ntified U.S. application on December 16, 2010			
Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence			
1, 2, 3	1, 2, 3	Substantially corresponds			
4	4	Substantially corresponds to 4/1			
5	5	Substantially corresponds to 5/1			
6	6	Substantially corresponds to 6/1			
7	7	Substantially corresponds			
8	8	Substantially corresponds to 8/1			
9	9	Substantially corresponds to 9/7/6/1			
10, 11	10, 11	Substantially corresponds			
12	12	Substantially corresponds to 12/1			
13	13	Substantially corresponds to 13/1			
14, 15, 16, 17	14, 15, 16, 17	Substantially corresponds			
18	18	Substantially corresponds to 18/16/15/14/13/1			
19	19	Substantially corresponds to 19/13/1			
20	20	Substantially corresponds to 20/13/1**			
21	21	Substantially corresponds			
		** Claim 20 has been amended to remove the parenthetical that was subject to the observation in Box VIII of the Written Opinion of the International Searching Authority			
III. All the claims in the corresponding PCT a		iently correspond to the patentable claims in the			
_{Signature} /Travis D.	Boone/	Date 20 July 2011			

 $_{(Print/Typed)}^{Name}$ Travis D. Boone

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re F	Patent Application of			
Patrice	e GAILLARD et al.) Group Art Unit: 1761		
Applic	ation No.: 12/999,499	Examiner: HAIDUNG D NGUYEN		
Filed:	December 16, 2010	Confirmation No.: 5730		
For:	METHOD OF MANUFACTURING COMPOSITE CONDUCTING FIBRES, FIBRES OBTAINED BY THE METHOD, AND USE OF SUCH FIBRES)))		

RESPONSE TO:

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(a) ("Decision"), the Office indicates that the request and petition are DISMISSED.

The Office indicates that the request to participate in the PPH program and petition fail because Applicant has failed to explain why the claims are not subject to the observation in Box VIII of the latest work product in the international stage.

Box VIII of the Written Opinion of the International Searching Authority states:

The terms between parentheses "(gloves, helmets, etc.)" used in claim 20 cast doubt on whether the added features are limiting or not. Consequently, the subject matter of said claim 20 is not clearly defined and the application does not meet the requirements of PCT Article 6.

Attorney's Docket No. <u>0078840-000001</u>

Application No. <u>12/999,499</u>

Page 2

Accordingly, by the accompanying Second Preliminary Amendment, submitted

contemporaneously herewith, claim 20 has been amended to remove the exemplary

description of protective clothing recited in a parenthetical. Accordingly, claim 20 is no

longer subject to the observation in Box VIII of the Written Opinion of the International

Searching Authority.

It is requested that the Request to Participate in Patent Prosecution Highway

Program and Petition to Make Special Under 37 CFR 1.102(a) now be granted.

After discussion with Supervisory Patent Examiner Walter D. Griffin, a new form

PTO/SB/20PCT-EP is also being submitted contemporaneously herewith.

Should any questions arise in connection with this application, it is respectfully

requested that the undersigned be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: 20 July 2011

Travis D. Boone
Registration No. 52635

Customer No. 21839 (703) 836-6620



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

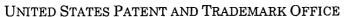
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
12/999,499 03/04/2011		Patrice Gaillard	0078840-000001	5730	
21839 DELCHANAN	7590 08/11/2011 DICERSOLL & DOONEY	EXAMINER			
POST OFFICE	- -	NGUYEN, HAIDUNG D			
ALEXANDRI	A, VA 22313-1404		ART UNIT	PAPER NUMBER	
			1761		
			NOTIFICATION DATE	DELIVERY MODE	
			08/11/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com offserv@bipc.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

AUG 1 1 .2011

WG

In re application of

Patrice Gaillard et al. Serial No. 12/999,499

Filed: March 4, 2011

For: METHOD OF MANUFACTURING

COMPOSITE CONDUCTING FIBRES. FIBRES OBTAINED BY THE METHOD, :

AND USE OF SUCH FIBRES

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed July 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 12/999,499

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

SOFER & HAROUN LLP 317 MADISON AVENUE, SUITE 910 NEW YORK NY 10017

MAILED

DEC 1 9 2011

Applicants: Nassif, et al.

OFFICE OF PETITIONS

Appl. No.: 12/999,507

International Filing Date: June 26, 2009

Title: BONE SUBSTITUTE AND METHOD FOR THE PREPARATION THEREOF

Attorney Docket: 1202-019 Pub. No.: US 20110250289 A1 Pub. Date: October 13, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 31, 2011, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff Petitions Examiner Office of Petitions Doc Code: PPH.PET.652 Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10) Approved for use through 01/31/2012. OMB 0651-0058 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1	ST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION Y (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO
Application No.	: 12/999,508 Filing Date: December 16, 2010
First Named Inv	ventor: Craig ROBINSON et al.
Attorney Docke	et No.: 147926
Title of the Invention:	AN APPARATUS AND A METHOD OF MEASURING EROSION OF AN EDGE OF A TURBOMACHINE AEROFOIL
SUBMITTED V	T FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE IA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT USPTO.GOV/EBC/EFS_HELP.HTML.
	HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ITIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.
of another PC domestic/ fore priority claim i to (4) above, i	entified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of application which claims priority to the corresponding PCT application, or (3) a national application that claims eign priority to the corresponding PCT application, or (4) a national application which forms the basis for the in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for aim in the corresponding PCT application.
The corresponding application in	onding PCT number(s) is/are: PCT/EP2009/004314
	ional date of the corresponding tion(s) is/are: June 16, 2009
a.	of Required Documents: A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)
⊠	Is attached.
	Is <u>not</u> attached because the document is already in the U.S. application.
	A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).
⊠	Is attached.
	ls <u>not</u> attached because the document is already in the U.S. application.
	English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

[Page 1 of 2]
This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)							
Application No.:	12/999,508						
First Named Inventor:	Craig ROBINSON et al.						
		ent listing the documents cited in the international work products he corresponding PCT application.					
☐ Is attac	ched.						
⊠ Hasalı	ready been filed in the above-i	identified U.S. application on March 14, 2011					
	•	for U.S. patents or U.S. patent application publications)					
	• • • •	or old paterns of old patern application parameters,					
-		the Country of the Co					
	•	⊢identified U.S. application on <u>March 14, 2011</u>					
II. Claims Correspo	ondence Table:						
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence							
1	1	US claim 1 is substantially identical to the PCT claim 1.					
2	2	US claim 2 is substantially identical to the PCT claim 2.					
3	3	US claim 3 is substantially identical to the PCT claim 3.					
4	4	US claim 4 is substantially identical to the PCT claim 4.					
5	5	US claim 5 is substantially identical to the PCT claim 5.					
6	6	US claim 6 is substantially identical to the PCT claim 6.					
7	7	US claim 7 is substantially identical to the PCT claim 7.					
8	8	US claim 8 is substantially identical to the PCT claim 8.					
9	9	US claim 9 is substantially identical to the PCT claim 9.					
10	10	US claim 10 is substantially identical to the PCT claim 10.					
11	11	US claim 11 is substantially identical to the PCT claim 11.					
12	12	US claim 12 is substantially identical to the PCT claim 12.					
13	13	US claim 13 is substantially identical to the PCT claim 13.					
14 14		US claim 14 is substantially identical to the PCT claim 14.					
15 US claim 15 is substantially identical to the PCT claim 15.		US claim 15 is substantially identical to the PCT claim 15.					
16 US claim 16 is substantially identical to the PCT cl		US claim 16 is substantially identical to the PCT claim 16.					
17 US claim 17 is substantially identical to the PCT claim 17.		US claim 17 is substantially identical to the PCT claim 17.					
18	18 US claim 18 is substantially identical to the PCT claim 18.						
19	19 US claim 19 is substantially identical to the PCT claim 19.						
20	US claim 20 is substantially identical to the PCT claim 20.						

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application,							
Date April 26, 2011							
Registration Number 27,075							
Registration Number 65,466							

[Page 2 of 2]

OLIFF & BERRIDGE, PLC P.O. Box 320850 Alexandria, Virginia 22320-4850 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting
 evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the
 course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting
 a request involving an individual, to whom the record pertains, when the individual has requested
 assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PAT/TAL/4104	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2009/004314	International filing date (day/month/year) 16 June 2009 (16.06.2009)	Priority date (day/month/year) 09 July 2008 (09.07.2008)
International Patent Classification (8t See relevant information in Form	h edition unless older edition indicated) PCT/ISA/237	
Applicant ROLLS-ROYCE PLC		

I.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis. I(a).					
2.	This REPORT consists of a total of 6 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.					
3.	This rep	ort contains indication	ns relating to the following items:			
	\boxtimes	Box No. I	Basis of the report			
		Box No. II	Priority			
		Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability			
		Box No. IV	Lack of unity of invention			
	\boxtimes	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement			
		Box No. VI	Certain documents cited			
		Box No. VII	Certain defects in the international application			
	Box No. VIII Certain observations on the international application					
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).					

	Date of issuance of this report 11 January 2011 (11.01.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No. +41 22 338 82 70	e-mail: pt05.pct@wipo.int

FAIEN COOLENATION THEAT

rom the ITERNATIC To:	NAL SEAR	CHING AUTHO	RITY				PCT	
see form PCT/ISA/220						, ,		
				WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43 <i>bis</i> .1)				
					Date of mailing (day/month/year)) see	form PCT/ISA/210 (second sheet)	
	r agent's file r PCT/ISA/22				FOR FURTH See paragraph 2			
	application N 009/004314		International fili 16.06.2009	ng date <i>(</i> o	lay/month/year)		Priority date (day/month/year) 09.07.2008	u u u u u u u u u u u u u u u u u u u
Internationa	Patent Class	ification (IPC) or	ı both national clas	sification	and IPC			
INV. G01	B11/24 F01	D5/14						
Applicant								<u>, </u>
	OYCE PLO							
			· · · · · · · · · · · · · · · · · · ·					***************************************
1. This	opinion co	ntains indicati	ons relating to	the foll	owing items:			
⊠ E	lox No. I	Basis of the op	oinion					
	Box No. 11	Priority		4.1	the thirty		t and industrial applicabili	tv
	Box No. III			with rega	egard to novelty, inventive step and industrial applicability bis.1(a)(i) with regard to novelty, inventive step or industrial one supporting such statement			
	Box No. IV	Lack of unity of	of invention					
⊠ E	Box No. V	Reasoned star applicability: c	tement under r itations and exp	olanation				
Пв	3ox No. VI	Certain docum						
	Box No. VII	Certain defect	s in the interna	tional app	olication			
		Certain obser						
	THER ACT							
If a writt	demand for i en opinion o applicant cho rnational Bui not be so co	nternational pre f the Internation coses an Autho reau under Rule nsidered.	nal Preliminary rity other than t e 66.1 <i>bis</i> (b) tha	Examini this one to t written o	o be the IPEA ar opinions of this li	nd the nterna	usually be considered to be a cept that this does not apply we chosen IPEA has notifed the tional Searching Authority	
sub fron		EA a written rep mailing of Form					PEA, the applicant is invited to nts, before the expiration of 3 i onths from the priority date,	nonths
For	further optio	ns, see Form P	CT/ISA/220.					
3. For	further detai	ils, see notes to	Form PCT/ISA	√220.				
Name and	mailing addre	ess of the ISA:		Date of this opin	completion of alon	Autho	orized Officer	and wines Petoniany

see form PCT/ISA/210

Passier, Martinus

Telephone No. +49 89 2399-8030

European Patent Office

D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

5. Additional comments:

International application No. PCT/EP2009/004314

	Воз	(No	o. I Basis of the opinion
١.	Wit	h re	gard to the language, this opinion has been established on the basis of:
		the	international application in the language in which it was filed
		a t pu	ranslation of the international application into , which is the language of a translation furnished for the rposes of international search (Rules 12.3(a) and 23.1 (b)).
2.		Th by	is opinion has been established taking into account the rectification of an obvious mistake authorized or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3.	Wit	h re ess	gard to any nucleotide and/or amino acid sequence disclosed in the international application and ary to the claimed invention, this opinion has been established on the basis of:
	a. t	ype	of material:
			a sequence listing
			table(s) related to the sequence listing
	b. 1	orm	at of material:
			on paper
			in electronic form
	c. t	ime	of filing/iurnishing:
			contained in the international application as filed.
			filed together with the international application in electronic form.
			furnished subsequently to this Authority for the purposes of search.
4	. 🗆	ha co	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as opropriate, were furnished.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-20

No:

Claims

Inventive step (IS)

Yes: Claims

1-20

No: Claims

Industrial applicability (IA)

Yes: Claims

1-20

No: Claims

2. Citations and explanations

see separate sheet

PCT/EP2009/004314

Re Item V

1. Prior Art

The following documents are referred to:

D1: JP 63 246637 A

D2: EP-A-1 351 033

D3: US-A-5 570 186

D4: RU-C1-2 089 878

D5: DATABASE WPI Week 199226 Thomson Scientific, London, GB; AN 1992-214617 XP002541002 -& SU 1 666 920 A1

D6: HAMED A A ET AL: "Turbine Blade Surface Deterioration by Erosion" TRANSACTIONS OF THE ASME: JOURNAL OF TURBOMACHINERY, AMERICAN SOCIETY OF MECHANICAL ENGINEERS, US, vol. 127, no. 3, 1 July 2005 (2005-07-01), pages 445-453, XP008104715 ISSN: 0889-504X

2. Technical Field

The application relates to measuring erosion of the edge of a turbine blade.

- 3. Novelty and Inventive Step (Article 33(1),(2),(3) PCT)
- 1. The subject-matter of **claims 1**, **6**, **15 and 16** is novel and inventive for the following reasons:
- 2. D1is considered to represent the closest prior art and discloses measuring erosion of an edge of a turbomachine aerofoil by directing light on the edge of the aerofoil and detecting and analysing the light reflected from the aerofoil to produce a profile of the edge of the aerofoil.
- 3. The subject-matter of claims 1, 6, 15 and 16 differs from D1 in that local peaks are detected in the distance of points from the centroid of the profile, the two local peaks with the greatest distance there between are selected and these two peaks are used to determine a distance (called D1 or D2) that is compared with a predetermined distance to determine if the erosion is unacceptable. This enhances accuracy of the quantification of the erosion and is neither disclosed nor hinted in D2-D6.
- 4. D2 and D3 are equally close to the application as D1 and are also about optically

PCT/EP2009/004314

determining the profile of a turbine blade by illuminating the edge with light and detecting the reflected light. **D4 and D5** describe optical techniques to establish blade erosion, but not by directing light and detecting its reflections light to obtain an edge profile. **D6** does not disclose an optical method at all.

- 5. Claims 2-5, 7-14 and 17-20 are dependent on claims 1, 6, 15 and/or 16 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- Industrial Applicability (Article 33(1),(4) PCT)
 The subject-matter of claims 1-20 is industrially applicable.

Other

- 1. Unity of invention is given between **claims 1, 6, 15 and 16** through the use of the two local peaks with the greatest distance there between to determine if erosion is unacceptable.
- 2. In the description, the approach based on distance D1 and the approach based on distance D2 are presented as alternatives. It is understood that this is reflected by separate independent claims 1 and 6 (with corresponding device claims 15 and 16). Since it is inappropriate to cover both alternatives by a single independent claim, it appears justified to have two independent claims in each category.
- 3. It is unclear what is done with distance D1 in claim 1 (step h) and claim 15.
- 4. The relevant background art disclosed in **D1-D6** is not mentioned in the description, nor are these documents identified therein (R.5.1(a)(ii) PCT).

FAIRNI COUPERATION INCATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PAT/TAL/4104	FOR FURTHER ACTION as we	see Form PCT/ISA/220 Il as, where applicable, Item 5 below.
International application No.	International filing date (day/month/year)	
PCT/EP2009/004314		(Earliest) Priority Date (day/month/year)
Applicant Technology 004314	16/06/2009	09/07/2008
ROLLS-ROYCE PLC		
This international search report has be according to Article 18. A copy is being	en prepared by this International Searching Author transmitted to the International Bureau.	ority and is transmitted to the applicant
This international search report consist	s of a total of sheets.	
X It is also accompanied	by a copy of each prior art document cited in this	report.
X the International	ne International search was carried out on the bas of application in the language in which it was filed the International application into furnished for the purposes of international search	
b. This international searc authorized by or notified	h report has been established taking into account I to this Authority under Rule 91 (Rule 43.6 <i>bis</i> (a))	the rectification of an obvious mistake
c. With regard to any nucl	eotide and/or amino acid sequence disclosed i	n the international application, see Box No. i.
2. Certain claims were fo	und unsearchable (See Box No. II)	
3. Unity of invention is la	cking (see Box No III)	
4. With regard to the title , X the text is approved as s		
	submitted by the applicant shed by this Authority to read as follows:	
	,	
. With regard to the abstract,	thousand has the next to a	
the text is approved as su the text has been establis may, within one month from	nomitted by the applicant shed, according to Rule 38.2(b), by this Authority om the date of mailing of this international search	as it appears in Box No. IV. The applicant report, submit comments to this Authority
. With regard to the drawings,		•
	ublished with the abstract is Figure No. 9	
as suggested by t	he applicant	
	s Authority, because the applicant failed to sugge	St a ficure
[]	, , to obgge	2. 7. UAN C
as selected by this	s Authority, because this figure better characterize	es the Invention

PCT/EP2009/004314 A. CLASSIFICATION OF SUBJECT MATTER INV. G01B11/24 F01D5 F01D5/14 According to International Patent Classification (IPC) or to both national classification and IPC Minimum documentation searched (classification system followed by classification symbols) GO1B FO1D Documentation searched other than minimum documentation to the extent that such documents are included. In the fields searched Electronic data base consulted during the International search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data C. DOCUMENTS CONSIDERED TO BE RELEVANT Category* Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. Α JP 63 246637 A (HITACHI LTD) 1-20 13 October 1988 (1988-10-13) abstract; claims 1-6 Α EP 1 351 033 A (GEN ELECTRIC [US]) 1 - 208 October 2003 (2003-10-08) paragraphs [0006], [0010] - [0013] abstract; figures 1,2 A US 5 570 186 A (SATZGER WILHELM [DE] ET 1 - 20AL) 29 October 1996 (1996-10-29) abstract; figures 1,2 RU 2 089 878 C1 (SHELEST SERGEJ ORESTOVICH 1 - 20[RU]; LEONTEV VIKTOR VALENTINOVICH [RU]; NII) 10 September 1997 (1997-09-10) abstract; figures 1-6 -/--Further documents are listed in the continuation of Box C. See patent family annex. Special categories of cited documents: *T* later document published after the international filing date or priority date and not in conflict with the application but clied to understand the principle or theory underlying the "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to filing date "L" document which may throw doubts on priority claim(s) or which is clied to establish the publication date of another citation or other special reason (as specified) involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such docu-"O" document referring to an oral disclosure, use, exhibition or other means ments, such combination being obvious to a person skilled document published prior to the international filing date but later than the priority date claimed "&" document member of the same patent family Date of the actual completion of the International search Date of mailing of the international search report 12 August 2009 21/08/2009 Name and mailing address of the ISA/ Authorized officer European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016 Passier, Martinus

	PCT.	/EP2009	/004314
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	ation). DOCUMENTS CONSIDERED TO BE RELEVANT	
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DATABASE WPI Week 199226 Thomson Scientific, London, GB; AN 1992-214617 XP002541002 -& SU 1 666 920 A1 (POWER EQUIP RES DES SCI PRODN ASSOC) 30 July 1991 (1991-07-30) abstract	1-20
	HAMED A A ET AL: "Turbine Blade Surface Deterioration by Erosion" TRANSACTIONS OF THE ASME: JOURNAL OF TURBOMACHINERY, AMERICAN SOCIETY OF MECHANICAL ENGINEERS, US, vol. 127, no. 3, 1 July 2005 (2005-07-01), pages 445-453, XP008104715 ISSN: 0889-504X section Experimental Work abstract; figure 14	1-20

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PCT/	EP2009,	/004314
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Patent document cited in search report		Publication date	Patent family member(s)	,	Publication date
JP 63246637	A	13-10-1988	NONE		
EP 1351033	А	08-10-2003	CN 144869 DE 6031759 JP 200330220 US 200318543	5 T2 6 A	15-10-2003 23-10-2008 24-10-2003 02-10-2003
US 5570186	A	29-10-1996	NONE	MAN Server weep, prints game canni Saure, pages gag	ते व्यक्ति <u>विका</u> त केवित स्वाप्त स्वरूप प्रयोग विकास विकास स्वाप्त स्वरूप व्यक्ति <u>व्य</u> क्ति <u>व्य</u> क्ति
RU 2089878	C1	10-09-1997	NONE		THE SAME SAME SAME SAME SAME SAME SAME SAM
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CLAIMS

- A method of measuring erosion of an edge (32) of a turbomachine aerofoil (30), the method comprising the steps of:
 - a) directing light from a source of light (42) in a plane across a position on the edge (32) of the turbomachine aerofoil (30),
 - b) detecting the light (44) reflected from the position on the edge (32) of the turbomachine aerofoil (30),
 - c) analysing the light (48) reflected from the position on the edge (32) of the turbomachine aerofoil (30),
 - d) measuring (48) the distance from the light source to points on the edge (32) of the turbomachine aerofoil (30) at the position on the edge (32) of the turbomachine aerofoil (30) to produce a profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30) in terms of x and z coordinates,
 - e) calculating (48) the distances of points on the edge (32) of the turbomachine aerofoil (30) from a centroid of the profile,
 - f) detecting (48) local peaks (P) in the distance of points from the centroid of the profile,
 - g) selecting (48) the two local peaks (P1,P2) with the greatest distance there between,
 - h) determining (48) the distance (D1) between the two local peaks (P1,P2),

- i) fitting (48) a first straight line (L) between the two local peaks (P1,P2),
- j) fitting (48) second and third straight lines (S1,S2) onto both sides of the profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30),
- k) determining (48) the distance (D2) between the points of intersection (I1,I2) between the first straight line (L) and the second and third straight lines (S1,S2), and
- comparing (48) the determined distance (D2) between the points of intersection (I1,I2) between the first straight line (L) and the second and third straight lines (S1,S2) and a predetermined distance to determine if the edge (32) of the turbomachine aerofoil (30) has unacceptable erosion.
- A method as claimed in claim 1 wherein step i) comprises fitting (48) a straight line (L) using a least squares method.
- A method as claimed in claim 1 or claim 2 wherein step k) comprises using Pythagoras theorem.
- A method as claimed in any of claims 1 to 3 wherein steps a) to I) are repeated at a plurality of positions on the edge (32) of the turbomachine aerofoil (30).
- A method as claimed in any of claims 1 to 4 wherein steps a) to l) are repeated for all positions on the edge (32) of the turbomachine aerofoil (30).

- A method of measuring erosion of an edge (32) of a turbomachine aerofoil (30), the method comprising the steps of:
 - a) directing light from a source of light (42) in a plane across a position on the edge (32) of the turbomachine aerofoil (30),
 - b) detecting (44) the light reflected from the position on the edge (32) of the turbomachine aerofoil (30),
 - c) analysing (48) the light reflected from the position on the edge (32) of the turbomachine aerofoil (30),
 - d) measuring (48) the distance from the light source to points on the edge (32) of the turbomachine aerofoil (30) at the position on the edge (32) of the turbomachine aerofoil (30) to produce a profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30) in terms of x and z coordinates,
 - e) calculating (48) the distances of points on the edge (32) of the turbomachine aerofoil (30) from a centroid of the profile,
 - f) detecting (48) local peaks (P)in the distance of points from the centroid of the profile,
 - g) selecting (48) the two local peaks (P1,P2) with the greatest distance there between,
 - h) determining (48) the distance (D1) between the two local peaks (P1,P2),
 - i) comparing (48) the determined distance (D1) between the two local peaks (P1,P2) with a predetermined distance to determine if the edge (32) of the turbomachine aerofoil (30) has unacceptable erosion.

- A method as claimed in claim 6 wherein steps a) to i) are repeated at a plurality of positions on the edge (32) of the turbomachine aerofoil (30).
- A method as claimed in claim 6 or claim 7 wherein steps a) to i) are repeated for all positions on the edge (32) of the turbomachine aerofoil (30).
- A method as claimed in any of claims 1 to 8 wherein steps a) to c) are repeated a plurality of times at the position on the edge (32) of the turbomachine aerofoil (30) and in step d) a plurality of profiles are produced and the plurality of profiles are averaged to produce a single averaged profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30) in terms of x and z coordinates.
- A method as claimed in any of claims 1 to 9 wherein step a) comprises directing laser light from a laser source.
- 11 A method as claimed in any of claims 1 to 10 wherein step e) comprises converting the profile into polar coordinates.
- 12 A method as claimed in any of claims 1 to 11 wherein the turbomachine aerofoil (30) is a rotor blade or a stator vane.
- A method as claimed in any of claims 1 to 12 wherein the turbomachine aerofoil (30) is a gas turbine aerofoil.
- 14 A method as claimed in claim 13 wherein the gas turbine aerofoil (30) is a fan blade or a compressor blade.

An apparatus (40) for measuring erosion of an edge (32) of a turbomachine 15 aerofoil (30), the apparatus (40) comprises a source of light (42) arranged to direct light in a plane across a position on the edge (32) of the turbomachine aerofoil (30), a detector (44) to detect the light reflected from the position on the edge (32) of the turbomachine aerofoil (30), means (48) to analyse the light reflected from the position on the edge (32) of the turbomachine aerofoil (30), means (48) to measure the distance from the light source (42) to points on the edge (32) of the turbomachine aerofoil (30) at the position on the edge (32) of the turbomachine aerofoil (30) to produce a profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30) in terms of x and z coordinates, means (48) to calculate the distances of points on the edge (32) of the turbomachine aerofoil (30) from a centroid of the profile, means (48) to detect local peaks (P) in the distance of points from the centroid of the profile, means (48) to select the two local peaks (P1,P2) with the greatest distance there between, means (48) to determine the distance (D1) between the two local peaks (P1,P2), means (48) to fit a first straight line (L) between the two local peaks (P1.P2), means (48) to fit second and third straight lines (S1,S2) onto both sides of the profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30), means (48) to determine the distance (D2) between the points of intersection (11,12) between the first straight line (L) and the second and third straight lines (S1,S2) and means (48) to compare the determined distance (D2) between the points of intersection (I1,I2) between the first straight line (L) and the second and third straight lines (S1,S2) and a predetermined distance to determine if the edge (32) of the turbomachine aerofoil (30) has unacceptable erosion.

- An apparatus (40) for measuring erosion of an edge (32) of a turbomachine 16 aerofoil (30), the apparatus (40) comprises a source of light (42) arranged to direct light in a plane across a position on the edge (32) of the turbomachine aerofoil (30), a detector (44) to detect the light reflected from the position on the edge (32) of the turbomachine aerofoil (30), means (48) to analyse the light reflected from the position on the edge (32) of the turbomachine aerofoil (30), means (48) to measure the distance from the light source (42) to points on the edge (32) of the turbomachine aerofoil (30) at the position on the edge (32) of the turbomachine aerofoil (30) to produce a profile of the edge (32) at the position on the edge (32) of the turbomachine aerofoil (30) in terms of x and z coordinates, means (48) to calculate the distances of points on the edge (32) of the turbomachine aerofoil (30) from a centroid of the profile, means (48) to detect local peaks (P) in the distance of points from the centroid of the profile, means (48) to select the two local peaks (P1,P2) with the greatest distance there between, means (48) to determine the distance between the two local peaks (P1,P2) and means (48) to compare the determined distance (D1) between the two local peaks (P1,P2) with a predetermined distance to determine if the edge (32) of the turbomachine aerofoil (30) has unacceptable erosion.
- 17 An apparatus as claimed in claim 15 or claim 16 wherein the source of light (42) comprises a laser source to direct laser light.
- An apparatus as claimed in claim 15, claim 16 or claim 17 wherein the turbomachine aerofoil (30) is a rotor blade or a stator vane.
- An apparatus as claimed in claim 15, claim 16 or claim 17 wherein the turbomachine aerofoil (30) is a gas turbine aerofoil.
- 20 An apparatus as claimed in claim 19 wherein the gas turbine aerofoil (30) is a fan blade or a compressor blade.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
12/999,508	12/16/2010	16/2010 Craig Robinson 147926		5791		
25944 OLIFF & BER	7590 05/04/2011 RIDGE: PLC	EXAM	EXAMINER			
P.O. BOX 3208	350		PHAM, HOA Q			
ALEXANDRIA	A, VA 22320-4850		ART UNIT	PAPER NUMBER		
			2886			
			NOTIFICATION DATE	DELIVERY MODE		
			05/04/2011	ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com jarmstrong@oliff.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA VA 22320-4850

In re Application of

ROBINSON et al.

Application No.: 12/999,508

Filed: 16 December 2010

Attorney Docket No.: 147926

For: APPARATUS AND A METHOD

OF MEASURING EROSION OF AN

EDGE OF A TURBOMACHINE

AEROFOIL

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 26 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Birch Stewart Kolasch & Birch PO Box 747 Falls Church, VA 22040-0747 MAILED MAR 0 7 2012

PCT LEGAL ADMINISTRATION

In re Application of: GOUAULT et al.

Application No.: 12/999,543

PCT No.: PCT/FI2009/050561

Int. Filing Date: 24 June 2009

Priority Date: 25 July 2008

Atty. Docket No.: 0837-0284PUS1

For: HOIST COMBINATION

DECISION

This decision is in response to applicant's "REQUEST FOR CORRECTED NOTICE OF ACCEPTANCE" filed 21 January 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181 to assign a date of completion of all 35 U.S.C. 371 requirements of 16 December 2010. No petition fee is required.

On 21 January 2011, applicant was mailed a Form PCT/DO/EO/903 which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 16 December 2010 and the date of completion of all 35 U.S.C. 371 requirements as 25 December 2010. Applicant seeks correction of the form to list a date of completion of all 35 U.S.C. 371 requirements of 16 December 2010.

A review of the application file finds that all three of the 35 U.S.C. 371 requirements (basic national fee, copy of the international application, and executed declaration of the inventors) were filed on 16 December 2010. In addition, applicant's transmittal letter (Form PTO-1390) included a check mark in box three indicating that the filing was an express request to begin national examination procedures. The rules for national stage commencement are set forth in the Manual of Patent Procedure (MPEP) section 1893.01:

Pursuant to 35 U.S.C. 371(f), the national stage may commence earlier than 30 months from the priority date, provided applicant makes an express request for early processing and has complied with the applicable requirements under 35 U.S.C. 371(c).

As shown, applicant made a clear indication of desire for early processing of the submission. Therefore, it is proper to <u>GRANT</u> applicant's petition under 37 CFR 1.181 at this time.

The Form PCT/DO/EO/903 mailed 14 January 2011 is hereby <u>VACATED</u>.

Application No.: 12/999,543

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision; including the mailing of a corrected Form PCT/DO/EO/903 indicating a date of completion of all 35 U.S.C. 371 requirements as 16 December 2010.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel.: 571-272-3298 Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office Alexandria. VA 22313-1450

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MERCK P.O. BOX 2000

FEB 07 2011

RAHWAY NJ 07065-0907

PCT LEGAL ADMINISTRATION

In re Application of

FANG, et al.

DECISION ON PETITION

Application No.: 12/999,547

PCT No.: PCT/US2009/040652

UNDER 37 CFR 1.137(b)

Int. Filing Date: 15 April 2009 Priority Date: 15 April 2008

Atty. Docket No.: PD2009.6813US-PCT

HIGH DENSITY COMPOSITIONS CONTAINING: POSACONAZOLE AND FORMULATIONS

COMPRISING THE SAME

The petition to revive under 37 CFR 1.137(b) filed 16 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen Attorney Advisor

Al a PB

Office of PCT Legal Administration

Tel: (571) 272-3294

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142

MAILED OCT 19 2011

PCT LEGAL ADMINISTRATION

In re Application of QIAN et al

U.S. Application No.: 12/999,548

PCT Application No.: PCT/CN2009/071739

Int. Filing Date: 12 May 2009

Priority Date Claimed: 20 June 2008

Attorney Docket No.: T2048-7000US For:

CYCLONE CLEANER

DECISION

This is in response to applicant's petition under 37 CFR 1.182 filed 02 June 2011.

BACKGROUND

On 12 May 2009, applicant filed international application PCT/CN2009/071739, which claimed priority of an earlier China application filed 20 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 16 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The submission identified "PCT/US09/71739" as the international application number.

On 02 June 2011, applicant filed the present petition under 37 CFR 1.182

DISCUSSION

The petition states that applicant entered the incorrect international application number when submitting the present application. The correct international application number PCT/CN2009/071739 is present on at least one of the documents filed on 16 December 2010. Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of $\underline{12 \text{ May } 2009}$, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of $\underline{16 \text{ December } 2010}$.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Byan Lin

PCT Legal Examiner

PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CHOATE, HALL & STEWART LLP TWO INTERNATIONAL PLACE BOSTON MA 02110

MAILED

In re Application of

OCT 1 4 2011
PCT LEGAL ADMINISTRATION

DECKER, Stephen R., et al.

Application No.: 12/999,590

PCT No.: PCT/US2009/048153

Int. Filing Date: 22 June 2009 : DECISION

Priority Date: 20 June 2008

Attorney Docket No.: 2002647-0070
For: PROCESSING CELLULOSIC

BIOMASS

This decision is in response to applicants' statement under MPEP 1893.01(e), filed in the United State Patent and Trademark Office on 12 August 2011.

BACKGROUND

On 19 January 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee examination fee or oath or declaration were required.

On 19 July 2011, applicants filed a declaration of the inventors and the surcharge.

On 25 July 2011, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that name of the second inventor on the declaration did not match the international publication and that a new oath or declaration was required.

On 12 August 2011, applicants filed this statement under 1893.01(e).

DISCUSSION

Applicants state the second inventor's name is "Michael J. Selig" as stated in the declaration, and that the name in the international application contained a typographical error. The correction of the error in the inventor's name is accepted under MPEP 1893.01(e). The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's statement under 1893.01(e) is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO							
Application No:	Filing date: Concurrently Herewith						
First Named Inventor:	Robert J. Jannarone et al.						
Title of the Invention: SYSTEM	AND METHOD FOR TIME SERIES FIL	TERING AN	ND DATA REDUCTION				
SUBMITTED VIA EFS-W	RTICIPATION IN THE PCT-PPH PILOT PROGF EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT				
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC						
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding P application number(s The international dat PCT application(s) is							
	Documents: atest international work product (WO/ISA PCT application(s)	, WO/IPEA,	or IPER) in the above–identified				
Is <u>not</u> attached because the document is already in the U.S. application.							
 A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 							
ls <u>not</u> attache	Is <u>not</u> attached because the document is already in the U.S. application.						
	tions of the documents in a. and b. above atement that the English translation is ac		ed (if the documents are not in the English tached for the document in b. above.				

December 16, 2010

Registration Number 38,380

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO (continued)					
Application No.:					
First Named Inventor:	Robert	J. Jannarone et al.			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on					
II. Claims Corre	sponde	ence Table:			
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence					
2-8, 10-16, 18	3-20	2-8, 10-16, 18-20	Same claims. Claims 2-8, 10-16, 18-20 in U.S. application		
			are rewritten in independent form.		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					

/Stephen C. Beuerle/

Stephen C. Beuerle

Signature Name

(Print/Typed)

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

Iment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	12/999,652	Filing date:	December 17, 2010			
First Named Inventor:	Rodney Jones					
Title of the Invention: POWE	R CONVERTING DEVICE	AND PO	WER SUPPLY APPARATUS			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGFIEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML					
	' REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign priority priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s						
The international filin PCT application(s) is	ng date of the corresponding skare: October 16, 2009					
	Documents: atest international work product (WO/ISA PCT application(s)	ι, WO/IPEA, θ	or IPER) in the above–identified			
Is <u>not</u> attache	ed because the document is already in the U	J.S. application	on.			
	aims which were indicated as having now discression (s).	velty, inventi	ive step and industrial applicability in the			
Is <u>not</u> attache	ed because the document is already in the U	J.S. application	on.			
	tions of the documents in a. and b. abov tatement that the English translation is a		ed (if the documents are not in the English tached for the document in b. above.			

Registration Number 61,142

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)					
<u> </u>					
	12/000,002				
First Named Inventor:	Rodne	y Jones			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 17, 2010 December 17, 2010 II. Claims Correspondence Table:					
Claims in US Appli	ication	Patentable Claims in the corresponding PCT Application	Explanation regarding the corr	respondence	
13 1 According to Preliminary Amendment filed Dec. 17, 2010			ry Amendment filed Dec. 17, 2010		
14		2	According to Preliminar	y Amendment filed Dec. 17, 2010	
15		3	According to Preliminary Amendment filed Dec. 17, 2010		
16		4	According to Preliminar	y Amendment filed Dec. 17, 2010	
17		5	According to Preliminar	y Amendment filed Dec. 17, 2010	
18 6 According to Preliminary Amendment filed Dec. 17, 2010					
19		7	According to Preliminar	ry Amendment filed Dec. 17, 2010	
20		8	According to Preliminar	y Amendment filed Dec. 17, 2010	
21		9	According to Preliminar	y Amendment filed Dec. 17, 2010	
22		10	According to Preliminar	y Amendment filed Dec. 17, 2010	
23		12,1	According to Preliminar	y Amendment filed Dec. 17, 2010	
24		12, 2	According to Preliminar	y Amendment filed Dec. 17, 2010	
25		12,3	According to Preliminar	y Amendment filed Dec. 17, 2010	
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature/Jane	Signature / Janet D. Hood/				

 $_{(Print/Typed)}^{Name}$ Janet D. Hood

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



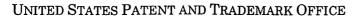
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,652	12/17/2010	Rodney Jones	2009P07507WOUS	7247
22116 SIEMENS CO	7590 03/24/2011 RPOR A TION		EXAM	INER
INTELLECTU	AL PROPERTY DEPART	MENT .	LEWIS, N	MONICA
170 WOOD A' ISELIN, NJ 08	VENUE SOUTH 830		ART UNIT	PAPER NUMBER
1022111, 110 00			2838	
•				
			MAIL DATE	DELIVERY MODE
			03/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN NJ 08830

In re Application of

Jones et al.

Application No.: 12/999,652

Filed: 17 December 2010

Attorney Docket No.: 2009P07507WOUS

For: POWER CONVERTING DEVICE AND POWER SUPPLY APPARATUS

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 10 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO:
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (7), applicant has failed to submit copies of the documents cited by the PCT examiner in the international work product. These documents were cited on an IDS but no copies were received.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Yours

u W

TQAS Technology Center 2800 - Semiconductors,

Electrical & Optical Systems & Components

SIEMENS

PATENT Attorney Docket No. 2009P07507WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:					
Inventor:	R. Jones et al.)	Confirmation No:	7247	
Serial No.:	12/999,652)	Examiner:	Monica Lewis	
Filed:	December 17, 2010)	Group Art Unit:	2838	
Title	POWER CONVERTING DEV	ICE .	AND POWER SUPI	PLY APPARATUS	
P.O. Box 145	er For Patents 50 VA 22313-1450				

Sir:

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PCT-PPH AND

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(A)

Serial No.: 12/999,652

Atty. Doc. No.: 2009P07507WOUS

According to the decision mailed March 24, 2011, Applicant has failed to submit copies of the documents cited by the PCT examiner in the international work product. These documents were cited on an IDS but no copies were received. In response, Applicant electronically submitted copies of said documents on April 7, 2011. It is therefore believed that Applicant has met all of the requirements to participate in the PPH pilot program.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 400 22, 2011

Janet D. Hood

Registration No 61,142

(407) 736-4234

Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, New Jersey 08830



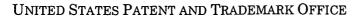
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,652	12/17/2010	Rodney Jones	2009P07507WOUS	7247
22116 SIEMENS CO	7590 05/10/2011 RPORATION		EXAM	INER
INTELLECTU	AL PROPERTY DEPAR	RTMENT	LEWIS, N	MONICA
170 WOOD A' ISELIN, NJ 08	VENUE SOUTH 830		ART UNIT	PAPER NUMBER
,,			2838	
•			MAIL DATE	DELIVERY MODE
			05/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN NJ 08830

In re Application of

Jones et al. : DECISION ON REQUEST TO

Application No.: 12/999,652 : PARTICIPATE IN THE PATENT

Filed: 17 December 2010 : PROSECUTION HIGHWAY
Attorney Docket No.: 2009P07507WOUS
For: POWER CONVERTING DEVICE : TO MAKE SPECIAL UNDER

AND POWER SUPPLY APPARATUS : 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 10 January 2011 and renewed on 22 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

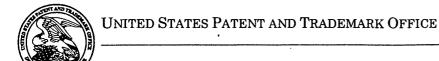
Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

OSHA LIANG LLP TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON TX 77010

Applicant: Yasuhiro Kajihara et al

Appl. No.: 12/999,654

International Filing Date: June 15, 2009 Title: GLYCOSYLATED GLP-1 PEPTIDE

Atty. Docket No. 17563/012001 Pub. No.: US 20110195897 A1 Pub. Date: August 11, 2011 MAILED
FEB 1 0 2012
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 28, 2011, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error in the specification.

The request is DISMISSED.

The request is untimely, as it is not filed within two months of August 11, 2011, the date of the patent application publication.

Further, 37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The identified errors are due to faulty optical character recognition and are, in this case, not Office errors. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No.: 12/999,654 Page 2

acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff Petitions Examiner Office of Petitions



Commissioner for Patents United States Patent and Trademark Office

P.O. Box 1450

MAILED

Alexandria, VA 22313-1450 www.uspto.gov

JAY P. SBROLLINI GORDON & JACOBSON, P.C. 60 LONG RIDGE ROAD SUITE 407 STAMFORD, CT 06902 JUN 2 1 2011

PCT LEGAL ADMINISTRATION

In re Application of:

FREEMAN, Christopher et al.

PCT Application No.: PCT/GB2009/001548

US Application No.: 12/999,681 Int. Filing Date: 19 June 2009 Priority Date claimed: 23 June 2008

Atty Docket No.: UDL-181

For: TIDAL TURBINE SYSTEM

COMMINICATION

This decision is in response to applicants' "SUBMITTAL OF DECLARATION AND POWER OF ATTORNEY AND ADDITIONAL FEE" received on 22 March 2011.

BACKGROUND

On 17 December 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, the basic national fee and a transmittal letter. The transmittal letter indicates the international application number as PCT/GB09/001548.

Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 29 December 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 22 March 2011, applicants submitted an explanation in support of the difference in the spelling of inventor Christopher FREEMAN.

DISCUSSION

MPEP § 201.03 states,

"Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration."

According to applicant, a spelling error occurred during international stage in inventor Christopher Freeman's last name. Since the error was typographical, the new declaration has been accepted with the correct spelling of Mr. Freeman's last name.

CONCLUSION

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

Shian Luong PCT Special Programs Examiner Office of PCT Legal Administration Telephone: (571) 272-4557 Boris Milef Senior PCT Legal Examiner Office of PCT Legal Administration

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APR 13 2011

24112 COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518

PCT LEGAL ADMINISTRATION

In re Application of

BLOM et al

Application No.: 12/999,695 PCT No.: PCT/SE2008/050733 Int. Filing Date: 19 June 2008

Priority Date: None

Docket No.: 4015-7204

For: METHOD AND A DEVICE FOR PROTECTING PRIVATE CONTENT

DECISION

This is a decision on the declaration filed in the international application pursuant to PCT Rule 4.17(iv) which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 17 December 2010, applicants filed papers to enter the national stage of PCT/SE2008/050733 which was accompanied by, *inter alia*, a copy of a declaration submitted in the international application pursuant to PCT Rule 4.17(iv).

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed in the international application is signed by two of the three named inventors. The third inventor, Steinar DAHLIN, is listed on the declaration as deceased. This declaration is not acceptable.

The citizenship of Mr. DAHLIN must be recorded on the declaration pursuant to 37 CFR 1.497(a)(3). Moreover, a legal representative must sign the declaration for the deceased inventor. See MPEP § 409.01(a).

It is also noted that 37 CFR 1.497(b)(2) requires the citizenship, residence, and mailing address of the legal representative must also be listed on the declaration.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

ames Thomson Attorney Advisor

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AUG 02 2011

PCT LEGAL ADMINISTRATION

In re Application of

BLOM et al

Application No.: 12/999,695 PCT No.: PCT/SE2008/050733

Int. Filing Date: 19 June 2008

Priority Date: None

Docket No.: 4015-7204

DECISION

METHOD AND A DEVICE FOR PROTECTING PRIVATE CONTENT

This is a decision on applicants' response filed 27 May 2011 which has been treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 13 April 2011, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 27 May 2011, applicants filed the subject response which was accompanied by, *inter alia*, a declaration signed by the legal representative of a deceased inventor.

DISCUSSION

The declaration filed in the international application was unacceptable as the citizenship of the deceased inventor was not recorded on the declaration, and a legal representative did not sign the declaration for the deceased inventor.

In the renewed response, applicants provided a declaration consisting of a copy of the first page of the declaration previously submitted and a new continuation sheet. This declaration was signed by inventors, Goran SELANDER and Rolf BLOM, and by Clara Hallberg DAHLIN as the legal representative of deceased inventor, Steinar DAHLIN.

However, this declaration is <u>not</u> acceptable for the following reason.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the

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declaration.

Here, the citizenship, residence and mailing address information of the legal representative, Clara Hallberg DAHLIN, was recorded on the declaration along with the name of the deceased inventor. However, the citizenship of Steinar DAHLIN is not listed anywhere.

Accordingly, the declaration does not comply with 37 CFR 1.497(a)(3).

CONCLUSION

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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NOV 0 4 2011

In re Application of

PCT LEGAL ADMINISTRATION

BLOM et al

Application No.: 12/999,695

PCT No.: PCT/SE2008/050733

DECISION

Priority Date: None

Docket No.: 4015-7204

Int. Filing Date: 19 June 2008

METHOD AND A DEVICE FOR

PROTECTING PRIVATE CONTENT

This is a decision on the renewed petition under 37 CFR 1.42 filed 20 September 2011. No fee is required.

BACKGROUND

On 02 August 2011, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 20 September 2011, applicants filed the subject response which was accompanied by, inter alia, a copy of the continuation sheet of the declaration previously submitted with alterations that were initialed and dated by the legal representative of a deceased inventor.

DISCUSSION

The original declaration filed pursuant to PCT Rule 4.17(iv) was unacceptable. The citizenship of the deceased inventor was not recorded on the declaration, and a legal representative did not sign the declaration for the deceased inventor, Steinar DAHLIN. Applicants provided a new declaration on 27 May 2011; however, this declaration was still not acceptable. See Decision 02 August 2011.

In the subject response, applicants resubmitted the prior declaration and added citizenship information to the continuation sheet which was previously signed by the legal representative of Steinar DAHLIN. The change was initialed and dated, but the legal representative did not reexecute the declaration.

This is considered an alteration to the declaration after execution and is not acceptable. See MPEP § 605.04(a).

A new declaration executed by the legal representative of Steinar DAHLIN is required.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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DEC 29 2011

PCT LEGAL ADMINISTRATION

In re Application of

BLOM et al

Application No.: 12/999,695

PCT No.: PCT/SE2008/050733 Int. Filing Date: 19 June 2008

Priority Date: None

Docket No.: 4015-7204

METHOD AND A DEVICE FOR

PROTECTING PRIVATE CONTENT

DECISION

This is a decision on the renewed petition under 37 CFR 1.42 filed 30 November 2011.

BACKGROUND

On 04 November 2011, a decision dismissing applicants' renewed petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 30 November 2011, applicants filed the subject response which was accompanied by, inter alia, a copy of the continuation sheet of the declaration previously submitted executed by the legal representative of a deceased inventor.

DISCUSSION

In the renewed response, applicants provided a substitute declaration signed by the legal representative of inventor, Steinar DAHLIN. The continuation sheet includes citizenship information for the deceased inventor as required. The declaration also records the name, citizenship and mailing address of the legal representative as required.

This declaration meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

12/999,695 Page 2

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 19 June 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 November 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson Attorney Advisor

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KILPATRICK TOWNSEND AND STOCKTON LLP/VISA

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San Francisco, CA 94111

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AUG 10 2011

In re Application of

WEBER et al

U.S. Application No.: 12/999,705 PCT No.: PCT/US2009/049582

Int. Filing Date: 02 July 2009

Priority Date: 02 July 2008

Attorney Docket No.: 016222-083410US

SYSTEM AND METHOD OF

PROVIDING ENHANCED

TRANSACTION

PCT LEGAL ADMINISTRATION

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 15 June 2011.

BACKGROUND

On 25 January 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a \$130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 15 June 2011, applicants filed the subject petition which was accompanied by, inter alia, a \$130.00 surcharge fee; a \$200.00 petition fee; a three-month extension and fee: and documentary evidence in support of the petition (Exhibits A - I).

DISCUSSION

Applicants claim that two of the three named inventors (Christina GOELLNER and Newton SAKO), refuse to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventors cannot be located or refuse to cooperate: (3) a statement of the last known addresses of the nonsigning joint inventors; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventors.

Applicants submitted a \$200.00 petition fee. The last known addresses of both nonsigning inventors are listed in the petition. A declaration signed by one of the three Page 2

named inventors (Exh. A) was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of MPEP § 409.03(a)(A).

Therefore, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicants claim that both inventors received a complete copy of the subject application (including a declaration) and that their lack of a response constitutes a refusal to cooperate.

In support of this claim, applicants provided declarations of Matthew Balun and Patrick Jewik (Exh. B, C) listing the steps taken to obtain the signatures of the two nonsigning inventors. Applicants submitted other documentary evidence (Exh. D - I) in support of the petition.

MPEP § 409.03(d)(II) requires that for a refusal to be accepted, the 37 CFR 1.47(a) applicants must <u>show</u> that a complete copy of the application, including specification, claims and drawings, were presented (or attempted to be presented) to the nonsigning inventor. The lack of a response by an inventor <u>could</u> constitute a refusal to cooperate by conduct.

In this case, the 37 CFR 1.47(a) applicants submitted evidence showing that a complete copy of the subject application was sent to the last known addresses of the two nonsigning inventors on 05 April 2011. Copies of these documents (Exh. G, H) were provided. In addition, another copy of the application was sent to an email address for Christina GOELLNER on 11 May 2011 (Exh. I). This email address was obtained from co-inventor, Katia WEBER (Exh. F) on 01 April 2011, and is (purportedly) the work email of Ms. GOELLNER's consulting company, Syntonie Consultoria.

However, there is <u>no</u> evidence that the documents mailed 05 April 2011 to Ms. GOELLNER and Mr. SAKO were received by the nonsigning inventors. Moreover, there is also no evidence that the documents sent by email on 11 May 2011 to Ms. GOELLNER were received.

Mr. Jewik states in paragraph four of his declaration that he received a copy of the international registered mail receipt sent to Mr. Sako, but it was signed for by another individual. Applicants made no further attempts to obtain the signature for Mr. SAKO, or to verify if this is still a proper address. Therefore, a refusal to cooperate cannot be shown for Mr. SAKO.

With regards to Ms. GOELLNER, Mr. Jewik states in paragraph five of his declaration that he has not received the international registered mail receipt for the documents mailed to her. Applicants did attempt to contact Ms. GOELLNER using the email address obtained from Ms. WEBER. Mr. Balun states in paragraph nine of his declaration that he sent a copy of the application to the email address associated with

12/999,705 Page 3

Ms. GOELLNER's consulting company on 11 May 2011. A copy of this email was provided (Exh. I). However, a return receipt was not provided, and there is no other correspondence¹ with Ms. GOELLNER using that email address. As such, a refusal by Ms. GOELLNER also cannot be shown.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

ames Thomson Attorney Advisor

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¹ Communication with Ms. GOELLNER using this email address would be sufficient to demonstrate that the documents sent 11 May 2011 were received.



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DEC 15 2011

In re Application of

PCT LEGAL ADMINISTRATION

WEBER et al

12/000 705

U.S. Application No.: 12/999,705

PCT No.: PCT/US2009/049582

San Francisco, CA 94111

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Int. Filing Date: 02 July 2009

DECISION

Priority Date: 02 July 2008 Attorney Docket No.: 016222-083410US

r: SYSTEM AND METHOD OF

PROVIDING ENHANCED

TRANSACTION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 10 November 2011.

BACKGROUND

On 10 August 2011, a decision dismissing applicants' petition under 37 CFR 1.47(b) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 10 November 2011, applicants filed a renewed response which was accompanied by, *inter alia*, a \$200.00 petition fee, a one-month extension fee, and documentary evidence in support of the petition (Exhibits A - X).

DISCUSSION

Applicants claim that the lack of a response by Christina GOELLNER and Newton SAKO constitutes a refusal to cooperate. In the alternative, applicants argue that the co-inventors could not be reached despite a diligent effort made.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.¹

¹ Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the initial petition.

12/999,705 Page 2

Regarding item (2) of 37 CFR 1.47(a), applicants provided updated declarations of Matthew Balun (Exh. B) and Patrick Jewik (Exh. C) detailing the further efforts to locate and contact the nonsigning inventors along with extensive documentary evidence in the renewed petition. The declarations were signed on 10 November 2011.

A review of the evidence shows that after diligently locating a valid address for the two inventors, applicants provided a complete copy of the subject application and a declaration (Exh. S) to the last known address of Christina GOELLNER on 05 October 2011. These documents were delivered by FedEx on 07 October 2011 and signed for by a to a "E. GOELLNER" (Exh. U). No response has been received.

Applicants also provided a complete copy of the subject application and a declaration (Exh. T) to the last known address of Newton SAKO on 05 October 2011 which was delivered by FedEx to a "Fabio" at the front desk of the apartment complex on 07 October 2011 (Exh. V).² No response has been received from Mr. SAKO either.

The lack of a response constitutes a refusal to cooperate by conduct as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 02 July 2009 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 15 June 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson Attorney Advisor

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² It is noted that when packages are delivered and accepted for another person, delivery to the person the package is addressed is presumed unless there is evidence to the contrary.



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DEC 15 2011

PCT LEGAL ADMINISTRATION

Cristina Goellner Rua Capitao Otavio Machado 232 04718-000 Chacara Santo Antonio - SP Brazil

In re Application of WEBER et al

U.S. Application No.: 12/999,705 PCT No.: PCT/US2009/049582 Int. Filing Date: 02 July 2009 Priority Date: 02 July 2008

Attorney Docket No.: 016222-083410US

SYSTEM AND METHOD OF PROVIDING ENHANCED

TRANSACTION

Ms Goellner:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson Attorney Advisor

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Newton Sako Av. Irere, 2.047, Apto. 62 04064-005 Planalto Paulista - SP Brazil

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DEC 15 2011

PCT LEGAL ADMINISTRATION

In re Application of WEBER et al

U.S. Application No.: 12/999,705 PCT No.: PCT/US2009/049582 Int. Filing Date: 02 July 2009 Priority Date: 02 July 2008

Attorney Docket No.: 016222-083410US

For: SYSTEM AND METHOD OF

PROVIDING ENHANCED

TRANSACTION

Mr. Sako:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson Attorney Advisor

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King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701

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JUN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of

ALIAKBARZADEH et al.

Application No.: 12/999,712 PCT No.: PCT/EP2009/063920

Int. Filing Date: 22 October 2009

Priority Date: 19 November 2008

Attorney Docket No.: 78857.105864
For: DEVICE FOR OPERATING AN

INTERNAL COMBUSTION ENGINE

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" filed 06 May 2011 treated herein as a petition to change an inventor's name under 37 CFR 1.182. Applicant is requesting to change the name of the sole inventor from Reza Aliakbarzadeh to Reza AZADEH. The \$400 petition fee will be charged to counsel's Deposit Account No. 50-4871.

DISCUSSION

In the published international application, the sole inventor was identified as Reza Aliakbarzadeh. On the declaration filed 17 December 2010, this inventor was identified as Reza AZADEH. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Applicant is requesting to change the name of the sole inventor from Reza Aliakbarzadeh to Reza AZADEH. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition

Application No.: 12/999,712

to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 50-4871 for required fees. Based on this authorization, Deposit Account No. 50-4871 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. However, applicant has not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Therefore, item (2) has not been satisfied, and thus the petition may not be granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is <u>DISMISSED</u> without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith Attorney-Advisor

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SEP 26 2011

PCT LEGAL ADMINISTRATION

In re Application of

Reza AZADEH

Application No.: 12/999,712

PCT No.: PCT/EP2009/063920

Int. Filing Date: 22 October 2009

Priority Date: 19 November 2008

Attorney Docket No.: 78857.105864 For:

DEVICE FOR OPERATING AN

INTERNAL COMBUSTION ENGINE

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.182" filed 03 August 2011. Applicant is requesting to change the name of the sole inventor from Reza Aliakbarzadeh to Reza AZADEH. The \$400 petition fee has been submitted.

DISCUSSION

In the published international application, the sole inventor was identified as Reza Aliakbarzadeh. On the declaration filed 17 December 2010, this inventor was identified as Reza AZADEH. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Applicant is requesting to change the name of the sole inventor from Reza Aliakbarzadeh to Reza AZADEH. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Application No.: 12/999,712

Here, applicant's previous submission included the required fees, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicant has submitted an "Affidavit" regarding the name change. This affidavit states that the inventor's surname was changed, and that his name was legally changed to Reza AZADEH. Therefore, item (2) has been satisfied.

Based on applicant's statements herein, it is accepted that the correct full name for the sole inventor herein is Reza AZADEH, as set forth on the declaration filed 17 December 2010.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the sole inventor herein is <u>GRANTED</u>.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 17 December 2010.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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JUL 012011

PCT LEGAL ADMINISTRATION

NOVARTIS CORPORATE INTELLECTUAL PROPERTY ONE HEALTH PLAZA 101/2 EAST HANOVER NJ 07936-1080

In re Application of:

FILIPOWICZ, Witold, et al.

U.S. Application No.: 12/999,744

PCT No.: PCT/EP2009/058045

International Filing Date: 26 June 2009

Priority Date: 27 June 2008

Attorney's Docket No.: PAT052675-US-PCT For: PREDICTION OF ANTIVIRAL

THERAPY RESPONSE

DECISION ON PETITION UNDER

37 CFR 1.182

This decision is issued in response to the "Response To Notification Of Missing Requirements Mailed January 27, 2011 And Petition Under 37 CFR §1.182 To Effect Inventor Name Changes" filed 24 May 2011. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 02 May 2011. The communication indicated that a petition under 37 CFR 1.182 was required to correct the names of record for two of the inventors to correspond to the names of these inventors as listed on the declaration filed herein.

On 24 May 2011, applicants filed the petition under 37 CFR 1.182 considered below.

DISCUSSSION

The present petition confirms that the correct names of the two inventors at issue are Ilona KROL and Magdalena FILIPOWICZ, as listed on the executed declarations filed herein on 11 March 2011. The petition also includes statements executed by these two inventors confirming that their names had changed as a result of changes in their marital status. Finally, the petition included the required petition fee.

The present submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the names of record for inventor Ilona MARKIEWICZ to Ilona KROL and for inventor Magdalena SARASIN-FILIPOWICZ to Magdalena FILIPOWICZ. In view of these corrections, the declarations filed on 11 March 2011 are no longer defective for failure to properly identify the inventors of record herein. The declarations may therefore be accepted under 37 CFR 1.497.

It is noted that the present petition was also accompanied by a supplemental application data sheet (ADS) containing the correct names of the inventors.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the names of record for inventor Ilona MARKIEWICZ to Ilona KROL and for inventor Magdalena SARASIN-FILIPOWICZ to Magdalena FILIPOWICZ is **GRANTED**.

In view of this correction, the executed declarations filed 11 March 2011 are now acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 March 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,767	12/17/2010	Tomoko Watanabe	SHI-027-USA-PCT	8108
TOWNSEND &			EXAM	INER
c/o PORTFOLI PO BOX 52050			ART UNIT	PAPER NUMBER
MINNEAPOLI	IS, MN 55402		1615	
•			MAIL DATE	DELIVERY MODE
			07/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



JUL 1 5 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TOWNSEND & BANTA c/o PORTFOLIO IP PO BOX 52050 MINNEAPOLIS, MN 55402

In re Application of : IT WATANABE ET AL. : P

Application No. 12/999,767 Filed: December 17, 2010 Attorney Docket No. SHI-027-USA-PCT DECISION ON REQUEST TO

PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND PETITION TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 22, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or —(ii)-validly-claims-priority-to-a-PCT-application-that-contains-no-priority-claims, or (b)-a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claims, or (iii) contains no priority claims;
- (2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
- (3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

- (6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate:
- (7) Applicant must submit a claim correspondence table in English; and
- (8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because:

Applicant did submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is Accurate. The acceptance of the machine translation into the English language does not apply to the copy of the JPO claims.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Cecilia Tsang

Supervisory Patent Examiner

TC 1600

Doc Code: PPH.PET.652

PTO/SB/20PCT-EP (05-10)

Document Description: Petition to make special under PCT-Patent Pros Hwy Approved for use through 01/31/2012, OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application number(s) is/are: PCT/EP2009/057614 The international date of the corresponding PCT application(s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)	REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO							
Attorney Docket No.: 147782 Title of the Invention: PROCESS FOR MANUFACTURING POLYOLEFIN FILMS Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML. APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national application or (2) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a cuntinuing application and u.S. application that satisfies one of (10 (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application. The international date of the corresponding PCT application. O6/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)	Application	n No	.:	12/999,813		Filing Date:	December 17, 2010	
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://www.usprto.gov/ebc/efs_help.html. APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM. APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application and the corresponding PCT application of a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. PCT/EP2009/057614 The international date of the corresponding PCT application (8) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)	First Nam	ned In	ventor:	Martinus Wilhelmus Maria Ge	mma PETERS			
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML. APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application at U.S. application that statisfies one of (5 a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application. The corresponding PCT application application application which forms the basis for the priority claim in the corresponding PCT application. PCT/EP2009/057614 The international date of the corresponding PCT application(s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)	Attorney I	Docke	et No.:	147782				
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP:///WWW.USPTO.GOV/EBC/EFS_HELP.HTML. APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national atage en of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application number(s) is/are: PCT/EP2009/057614 The international date of the corresponding PCT application (s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)				PROCESS FOR MANUFACT	URING POLYOLEFIN F	ILMS		
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application number(s) is/are: PCT/EP2009/057614 The international date of the corresponding PCT application(s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)	SUBMITT	ΓED \	/IA EFS-V	VEB. INFORMATION REGARD			THE REQUIRED DOCUMENTS MUST BE	
of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claim domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT application number(s) is/are: PCT/EP2009/057614 The international date of the corresponding PCT application(s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)							AND PETITIONS TO MAKE THE	
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PCT application(s) is/are: 06/18/2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)								
 a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) 					06/18/2009			
□ Is attached	I.		A copy	of the latest international		SA, WO/IPE	A, or IPER) in the above–identified	
is attached.			Is attach	ached.				
☑ Is not attached because the document is already in the U.S. application.		\boxtimes	Is <u>not</u> at					
 A copy of all claims which were indicated as having novelty, inventive step and industrial applicability the above-identified corresponding PCT application(s). 		b.	A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).					
☐ Is attached.			Is attached.					
☑ Is not attached because the document is already in the U.S. application.		\boxtimes	Is <u>not</u> at	tached because the docume	ent is already in the U	.S. applicatio	n.	
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. [Page 1 of 2]		C.	English language). A statement that the English translation is accurate is attached for the document in b. above.					

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)						
Application No.: 12/999,813						
First Named Inventor: Martinus Wilhelmus Maria Gemma PETERS						
	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.					
☐ Is atta	ched.					
⊠ Hasa	lready been filed in the above-	identifi	ed U.S. application on <u>December 17, 2010</u>			
(2) Copie	s of all documents (except)	for U.S	S. patents or U.S. patent application publications)			
	tached.					
⊠ Have	already been filed in the above	e-identi	fied U.S. application on <u>December 17, 2010</u>			
II. Claims Correspo			<u>=====================================</u>			
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence						
1-15 Claims 1-15 found to have novelty, inventive step, and industrial applicability.						
1-15 As amended by the Preliminary Amendment, U.S. claims 1-15 substantially correspond to patentable PCT claims 1-15.						
		 				
		 				
		 				
		 				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
Signature Jana Mein			Date December 30, 2010			
Name V (Print/Typed) William P. Berridge			Registration Number 30,024			
Name (Print/Typed) Jana Meier			Registration Number 66,070			

OLIFF & BERRIDGE, PLC P.O. Box 320850 Alexandria, Virginia 22320-4850 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE
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Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,813	12/17/2010	Martinus Wilhelmus Maria Gemma Peters	147782	8333
OLIFF & BERI	-		EXAM	INER
P.O. BOX 3208 ALEXANDRIA	350 A, VA 22320-4850		ART UNIT	PAPER NUMBER
			1742	
	w of			
			NOTIFICATION DATE	DELIVERY MODE
			04/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com jarmstrong@oliff.com





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WG

April 11, 2011

In re application of : DECISION ON REQUEST TO Martinus W. Peters : PARTICIPATE IN PATENT Serial No. 12/999,813 : PROSECUTION HIGHWAY

Filed: December 17, 2010 : PROGRAM AND

For: PROCESS FOR MANUFACTURING : PETITION TO MAKE SPECIAL

POLYOLEFIN FILMS : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/999,813

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria VA 22314

In re Application of

BROWN et al.

Application No.: 12/999,829

PCT No.: PCT/FI2008/050383

Int. Filing Date: 23 June 2008 Priority Date: 25 June 2007

Attorney Docket No.: 3505-1050

For: FIBROUS NETWORKS AND A METHOD AND APPARATUS FOR CONTINUOUS OR BATCH

FIBROUS NETWORK PRODUCTION

DECISION

This decision is in response to applicants' submission filed 17 December in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 June 2008, applicants filed international application PCT/FI2008/050383 which designated the U.S. and claimed a priority date of 25 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 December 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 December 2009 (25 December 2009 being a Federal holiday and 26 December 2009 being a Saturday).

On 17 December 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 17 December 2010.

As to item (2), applicant submitted the petition fee on 17 December 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

<u>Claims</u>

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1. A communication device (500, 800), comprising:

a communication entity (502, 802);

a further communication entity (504, 804) communicatively coupled to 5 the communication entity (502, 802) in accordance with a Digital Radio Frequency protocol;

wherein the communication entity (502, 802) comprises a protocol layer (516), the further communication entity (504, 804) comprises a protocol layer (514), and the protocol layers (516, 514) of the communication entity (502, 802) and of the further communication entity (504, 804) are connected via a protocol-physical interface (512, 513) which provides for a parallel bidirectional signal interfacing;

wherein the protocol-physical interface (512, 513) is adapted for selectively connecting the protocol layers (516, 514) directly or via physical layers (503, 508).

- The communication device (500, 800) according to claim 1, wherein the protocol-physical interface (512, 513) comprises handshake signal lines (520) adapted for transporting handshake signals capable of selectively connecting the protocol layers (514, 516) directly or via physical layers (503, 508).
- 3. The communication device (500, 800) according to claim 2, wherein the handshake signal lines (520) are adapted for transporting a first handshake signal (tx_data_valid) and a second handshake signal (rx_data_valid) downstream the first handshake signal (tx_data_valid) which are indicative of a timing of a frame to be transmitted.
 - 4. The communication device (500, 800) according to claim 2 or 3, wherein the handshake signal lines (520) are adapted for transporting a third handshake signal (tx_burst_req) indicative of a burst request and a fourth handshake signal (tx_burst_ack) in opposite direction and indicative of an acknowledgement of a burst.

- 5. The communication device (800) according to any one of claims 1 to 4, wherein the communication entity (802) and the further communication entity (804) are free of physical layers (503, 508).
- 6. The communication device (800) according to claim 4, wherein the communication entity (802) and the further communication entity (804) are free of physical layers (503, 508) and the handshake signal lines (520) adapted for transporting the third handshake signal (tx_burst_req) and the fourth handshake signal (tx_burst_ack) are short-circuited to be directed from one of the protocol layers (514) back to this one of the protocol layers (514).
- 7. The communication device (800) according to claim 3, wherein the communication entity (802) and the further communication entity (804) are free of physical layers (503, 508) and the handshake signal lines (520) adapted for transporting the first handshake signal (tx_data_valid) and the second handshake signal (rx_data_valid) are directly connected to one another to be directed from one of the protocol layers (514) to the other one of the protocol layers (516).
- 8. The communication device (800) according to any one of claims 1 to 7, wherein each of the communication entity (802) and the further
 20 communication entity (804) comprises a layer sequence having a protocol layer (514, 516) as lowest layer.
 - 9. The communication device (800) according to any one of claims 5 to 8, wherein the communication entity (802) and the further communication entity (804) are integrated in a common die.
- 25 10. The communication device (800) according to any one of claims 5 to 9, wherein the communication entity (802) and the further communication entity (804) are integrated in separate dice which are housed in a common package.
- 11. The communication device (800) according to any one of claims 5 to 10, wherein the communication entity (802) and the further communication entity (804) are coupled to a common reference clock (812).

- 12. The communication device (500) according to any one of claims 1 to 4, wherein the communication entity (502) comprises a physical layer (508), the further communication entity (504) comprises a physical layer (503), and each of the protocol layers (514, 516) of the communication entities (502, 504) is connected via the protocol-physical interface (512, 513) to a respective one of the physical layers (503, 508).
 - 13. The communication device (500, 800) according to any one of the preceding claims, wherein the protocol-physical interface (512, 513) comprises at least one of the group of the following lines:
- a clock line adapted for providing a clock signal;
 - a plurality of data word transmission lines adapted for transmitting data words;
 - a code indication line adapted for providing a signal indicative of a code type of a data word;
- a burst request line adapted for requesting a burst from a coupled layer.
 - 14. The communication device (500) according to any one of the preceding claims, wherein the protocol-physical interface (512, 513) comprises a configuration interface (540, 542).
- 20 15. The communication device (500, 800) according to any one of the preceding claims, wherein the communication entity (502, 802) comprises a radio frequency integrated circuit.
- 16. The communication device (500, 800) according to any one of the preceding claims, wherein the further communication entity (504, 804)25 comprises a base band integrated circuit.
 - 17. A communication method (900), comprising:

communicatively coupling (910) a communication entity (502, 802) to a further communication entity (504, 804) in accordance with a Digital Radio Frequency protocol;

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connecting (920) a protocol layer (516) of the communication entity (502, 802) and a protocol layer (514) of the further communication entity (504, 804) via a protocol-physical interface (512, 513) which provides for a parallel bidirectional signal interfacing;

wherein the protocol-physical interface (512, 513) is adapted for selectively connecting the protocol layers (514, 516) directly or via physical layers (503, 508).

18. A communication entity (100) for communicating with a further communication entity (200) selectively in accordance with a first version of a Digital Radio Frequency protocol or in accordance with a second version of the Digital Radio Frequency protocol, the communication entity (100) comprising:

a first layer sequence (110) adapted for communicating in accordance with the first version of the Digital Radio Frequency protocol;

a second layer sequence (120) adapted for communicating in accordance with the second version of the Digital Radio Frequency protocol;

a compliance layer (130) above the first layer sequence (110), coupled to the second layer sequence (120), and being adapted for at least partially compensating for differences between the first version and the second version.

- 19. The communication entity (100) according to claim 18, wherein the compliance layer (130) is adapted to provide a logical interface (128) to a programming model layer (126) of the second layer sequence (120) which logical interface (128) is identical to an interface between a protocol layer (124) and the programming model layer (126) of the second layer sequence (120).
- 20. The communication entity (100) according to claim 18 or 19, wherein the compliance layer (130) is adapted to map signals propagating from at least one upper layer (126) of the second layer sequence (120) via the compliance layer (130) towards the first layer sequence (110) so that the mapped signals appear to the first layer sequence (110) as signals in accordance with

the first version.

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- 21. The communication entity (100) according to any one of claims 18 to 20, wherein the compliance layer (130) is adapted to provide logical channels to a programming model layer (126) of the second layer sequence (120) which logical channels are equivalent to logical channels provided by a protocol layer (124) of the second layer sequence (120).
- 22. The communication entity (100) according to any one of claims 18 to 21, wherein the compliance layer (130) is adapted to adjust a frame length of signals propagating from the second layer sequence (120) via the compliance layer (130) to the first layer sequence (110) to render the frame length compatible with the first version.
- 23. The communication entity (100) according to claim 22, wherein the compliance layer (130) is adapted to adjust the frame length by adding one or more fill bits to the signal to extend the frame length to a length which is compatible with the first version.
- 24. The communication entity (100) according to claim 23, wherein the compliance layer (130) is adapted to add information to a header of the signal indicative of a number of added fill bits.
- 25. The communication entity (100) according to any one of claims 18 to 24, wherein the compliance layer (130) is adapted to segment a signal propagating from the second layer sequence (120) via the compliance layer (130) to the first layer sequence (110) into a plurality of separate frames to render a frame length compatible with a maximum frame length supported by the first version.
- 26. The communication entity (100) according to any one of claims 18 to 25, wherein the compliance layer (130) is adapted to, in the event of a TAS request (310), delay a transmission of a TAS message (320) by a time interval (330) which is equal to or larger than a transmission time of a frame (340) having a predefined maximum frame length.
- 30 27. The communication entity (100) according to any one of claims 18 to 26,

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wherein at least one of the first layer sequence (110) and the second layer sequence (120) comprises a physical layer (122, 112) and a protocol layer (124, 114) sandwiching a protocol-physical interface (123, 113) which provides for a parallel bidirectional signal interfacing.

- 5 28. The communication entity (100) according to any one of claims 18 to 27, adapted as one of the group consisting of a radio frequency integrated circuit and a base band integrated circuit.
 - 29. The communication entity (100) according to any one of claims 18 to 28, wherein the first version of the Digital Radio Frequency protocol is DigRF v3, and the second version of the Digital Radio Frequency protocol is DigRF v4.
 - 30. A communication device (210), comprising:

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second version.

a communication entity (100) according to any one of claims 18 to 29; the further communication entity (200) being communicatively coupled to the communication entity (100).

- 31. The communication device (210) according to claim 30, wherein the communication entity (100) is a radio frequency integrated circuit, and the further communication entity (200) is a base band integrated circuit supporting the second version but not the first version of the Digital Radio Frequency protocol.
- 32. The communication device according to claim 30, wherein the communication entity (100) is a radio frequency integrated circuit, and the further communication entity (200) is a base band integrated circuit supporting the first version but not the second version of the Digital Radio Frequency protocol and having a compliance layer adapted for at least partially compensating for differences between the first version and the
 - 33. The communication device according to any one of claims 1 to 16, comprising a communication entity (100) of any one of claims 18 to 29.
 - 34. The communication device according to claim 33, wherein the

communication entity (502, 802) and/or the further communication entity (504, 804) is/are a communication entity (100) of any one of claims 18 to 29.

35. A method (400) of communicating between a communication entity (100) and a further communication entity (200) selectively in accordance with a first version of a Digital Radio Frequency protocol or in accordance with a second version of the Digital Radio Frequency protocol, the method (400) comprising:

communicating (410) in accordance with the first version of the Digital
Radio Frequency protocol by a first layer sequence (110) of the
communication entity (100), or communicating in accordance with the
second version of the Digital Radio Frequency protocol by a second layer
sequence (120) of the communication entity (100);

at least partially compensating (420) for differences between the first version and the second version by a compliance layer (130) of the communication entity (100) above the first layer sequence (110) and coupled to the second layer sequence (120).

- 36. A computer-readable medium, in which a computer program of communicating between a communication entity (100) and a further
 20 communication entity (200) selectively in accordance with a first version of a Digital Radio Frequency protocol or in accordance with a second version of the Digital Radio Frequency protocol is stored, which computer program, when being executed by a processor (100), is adapted to control a method according to claim 35.
- 37. A program element of communicating between a communication entity (100) and a further communication entity (200) selectively in accordance with a first version of a Digital Radio Frequency protocol or in accordance with a second version of the Digital Radio Frequency protocol, which program element, when being executed by a processor (100), is adapted to control a method according to claim 35.

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	12/999,837	Filing date:	December 17, 2010			
First Named Inventor:	Steffen Reinhardt					
Title of the Invention: Scalable Di	gRF Architecture					
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROG IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign prior priority claim in the cou to (4) above, or (6) a L	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s The international dat	e of the corresponding					
PCT application(s) is	s/are: February 25, 2010					
	Documents: atest international work product (WO/ISA PCT application(s)	A, WO/IPEA,	or IPER) in the above–identified			
Is <u>not</u> attached because the document is already in the U.S. application.						
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 						
	ed because the document is already in the l					
 English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 						

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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BETWEEN THE EPO AND THE USPTO							
(continued) Application No.: 12/999,837							
d. (1) An inforr	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR,						
WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached □							
-	•	ve-identified U.S. application					
(2) Copies of Are atta		for U.S. patents or U.S. pa	tent application publications)				
		ove-identified U.S. application	n on				
II. Claims Corres	pondence Table:						
Claims in US Applic	Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence						
1-26	1-26	ave been amended to remove unnecessary					
			parentheticals				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.							
Signature /Todd A. Cason, Reg No 54,020/ Date December 17, 2010							
Name							
Name Todd A. Cason (Print/Typed)			Registration Number 54,020				

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/999,837	02/14/2011	Steffen Reinhardt	P29550	8505
27045 ERICSSON IN	7590 05/27/2011 NC.		EXAM	INER
6300 LEGAC				
M/S EVR 1-C	-11		ART UNIT	PAPER NUMBER
PLANO, TX 7	75024		2611	
				<u> </u>
			NOTIFICATION DATE	DELIVERY MODE
			05/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com jennifer.hardin@ericsson.com melissa.rhea@ericsson.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 **PLANO TX 75024**

In re Application of

REINHARDT, STEFFEN et al.

Application No. 12/999,837

Filed: December 17, 2010

Attorney Docket No. P29550

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik Quality Assurance Specialist Technology Center 2600 Communications

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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MAR 3 0 2011

WASHINGTON DC 20036

PCT LEGAL ADMINISTRATION

In re Application of:

MATSUMOTO, Tsuyoshi, et al. : DECISION U.S. Application No.: 12/999,854 : (37 CFR 1.181)

Receipt Date: December 17, 2010

Attorney's Docket No.: 101514 :

For: MICRO-MIRRO ARRAY AND
OPTICAL SWITCH

This decision is issued in response to applicants' "PETITION TO CONFIRM THE FILING TYPE AS CONTINUATION OF PCT APPLICATION" filed January 25, 2011, considered herein as a petition under 37 CFR 1.181 to treat the present application as a filing under 35 U.S.C. 111(a). No petition fee is required.

BACKGROUND

On December 17, 2010, applicants filed materials to initiate the present application using the EFS-Web electronic filing system. The submission included, among other materials, a "Request For Filing A Continuation Or Division Of An International Application" (Form PTO/SB/13/PCT), a specification, claims, drawings, and abstract, an application data sheet (ADS), an executed declaration, and fee payment.

The Form PTO/SB/13/PCT Transmittal letter, the ADS, and the first line of the specification filed by applicants on December 17, 2010 identified the application as a continuation of international application PCT/JP2009/003084. However, as evidenced by the Electronic Acknowledgement Receipt, during the electronic filing process applicants identified the application as the U.S. national stage under 35 U.S.C. 371 of PCT/JP2009/003084.

Based on the information entered by applicants during the electronic filing process, the present application was established in the USPTO PALM system as a national stage application filed under 35 U.S.C. 371.

On January 25, 2011, applicants filed the petition considered herein. The petition requests that present application be treated as a continuation of PCT/JP2009/003084 filed under 35 U.S.C. 111(a), rather than as a national stage filed under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The MPEP goes on to state that "conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371 ... a benefit claim under 35 U.S.C. 120 to the international application." Here, although the application was identified as a national stage application during the electronic filing process, the specification, ADS, and Form PTO/SB/13/PCT Transmittal Letter included with the original submission all contain a domestic benefit claim identifying the present application as a continuation of the international application. The inclusion of the domestic benefit claim is inconsistent with the intent to enter the national stage under 35 U.S.C. 371 and, as set forth in the MPEP, constitutes a conflicting instruction.

Based on the above, as requested in the present petition, the original papers filed on December 17, 2010 are properly treated as a continuation application filed under 35 U.S.C. 111(a), not a national stage application filed under 35 U.S.C. 371.

CONCLUSION

The petition filed on January 25, 2011 is **GRANTED** to the following extent:

The present application will be treated as a continuation of international application PCT/JP2009/003084 filed under 35 U.S.C. 111(a).

The application is being referred to the Office Of Patent Application Processing (OPAP) for further processing as an application filed under 35 U.S.C. 111(a) with a filing date of December 17, 2010.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296





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MAILED

AUG 3 1 2011

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Concord, MA 07142-9133

PCT LEGAL ADMINISTRATION

In re Application of

REDDY et al

Application No.: 12/999,911

PCT No.: PCT/IB2009/005831

Filing Date: 3 June 2009

Attorney's Docket No.: 3989.1005-000 For: A Transmucosal Delivery System

Priority Date: 19 June 2008

PETITION UNDER

DECISION ON

: 37 CFR 1.137(b)

This decision is issued in response to the "Request to Correct Inventorship" filed 13 June 2011, treated herein as a request under 37 CFR 1.497(d). Applicants have paid the required processing fee of \$130.00.

BACKGROUND

On 3 June 2009, applicants filed international application PCT/IB2009/005831 claiming an earlier priority date of 19 June 2008. The deadline for submission of the basic national fee is thirty months from the priority date, i.e. 19 December 2010. The published international application identified three applicant/inventors for the United States: Deshika REDDY, Viness PILLAY, and Yahya CHOONARA.

On 17 December 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by payment of the national fee. No executed declaration or oath was filed.

On 14 January 2011, the United Stated Designated/Elected Office (DO/EO/US) mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CRF 1.497(a) and (b). The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond will result in abandonment.

On 13 June 2011, applicants filed a response to the Notification of Missing Requirements that included a declaration and a "REQUEST FOR CORRECTION/AMENDMENT OF INVENTORSHIP UNDER 37 CFR 1.497(d) "by adding a joint-inventor, Oluwatoyin Ayotomilola ADELEKE to aforementioned application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Oluwatoyin Ayotomilola ADELEKE is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been submitted.

With respect to item (3), the University of the Witwatersrand, Johannesburg, the assignee, consents to the correction of inventorship to the above application. Professor Helen Laburn has been authorized to act on behalf of the university. The assignee has filed the requisite papers, the assignment, establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

DECISION

The petition under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276 Facsimile: (571) 273-0459

Jeremy Barton

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 18 2011

Flash Intellectual Property, Inc.

Attn. Cheng-Ju Chiang

PCT LEGAL ADMINISTRATION

P.O. Box 766 Chino CA 91708

In re Application of

ZHANG, Jilin, et al.

Application No.: 13/000,000 : DECISION

PCT No.: PCT/CN2008/071133

Int. Filing Date: 29 May 2008 : ON PETITION UNDER

Priority Date: None

Docket No.: DEQUAN-00005 : 37 CFR 1.137(b)

For: SPINAL THREE-DIMENSIONAL

ORTHOPEDIC EQUIPMENT

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 17 December 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The processing fee for furnishing the translation after 30 months and the surcharge for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 50-4937.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS -P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/000,025	12/20/2010	Sharon Belenzon	50254	1109	
67801 7590 06/01/2011 AMARTIN D. MOYNIHAN d/b/a PRTSI, INC.			EXAMINER		
P.O. BOX 164	P.O. BOX 16446			ABEL JALIL, NEVEEN	
ARLINGTON	, VA 22215		ART UNIT	PAPER NUMBER	
•			2165		
			MAIL DATE	DELIVERY MODE	
			06/01/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. 80X 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Martin D. Moynihan d/b/a PRTSI, INC. P.O. Box 16446 Arlington, VA 22215

In re Application of: Sharon BELENZON, et al. Application No. 13/000,025 Filed: December 20, 2010

For: SEARCH ENGINE AND

METHODOLOGY, PARTICULARLY APPLICABLE TO PATENT LITERATURE

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on 20 December 2010, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, Figures 1-2, 7-8 and 12-17 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), one (1) set of the color drawings in question if the color drawings were submitted via EFS-Web, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with one (1) set of color drawings of Figures 1-2, 7-8 and 12-17. The specification did contain the required notification described above.

The petition is **GRANTED**.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software

(571) 272-3613



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,026	12/20/2010	Yaniv David Solnik	50175	1114
67801 MARTIND N	7590 07/15/2011 1OYNIHAN d/b/a PRTSI.	INC	EXAM	INER
P.O. BOX 16446			KOENIG, ANDREW Y	
ARLINGTON, VA 22215			ART UNIT	PAPER NUMBER
			2423	
			MAIL DATE	DELIVERY MODE
			07/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023I
www.uspto.gov

Jason H. Rosenblum
c/o Martin D. Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22215

MAILED

JUL 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of:	
Solnik et al) DECISION ON PETITION UNDER 37
Application No. 13/000,026) C.F.R. → 1.84(a)(2) TO ACCEPT COLOR
Attorney Docket No. 50175) DRAWINGS
Filed: December 20, 2010	
For: METHODS AND SYSTEMS FOR	
MANAGING VIEWING AT CLIENT TERMINALS	

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed December 20, 2010, requesting acceptance of color drawings.

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

- (2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:
 - (i) The fee set forth in § 1.17(h);
 - (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

DECISION

The petition and preliminary amendment, satisfies conditions (i) - (iii) above; therefore, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of record.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7527.

/Brian T. Pendleton/

Brian T. Pendleton Supervisory Patent Examiner Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. 80x 1450
ALEXANDRIA, VA 22313-1450
www.usplo.gov

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AUG 02 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

In re Application of

KOCH et al.

Application No.: 13/000,069 : DECISION

PCT No.: PCT/EP2009/004503 Int. Filing Date: 17 June 2009

Priority Date: 20 June 2008

Attorney's Docket No.: 1033300-000236

For: CURRENT SENSOR ARRAY FOR MEASURING CURRENTS IN A PRIMARY

CONDUCTOR

This decision is in response to applicants' petition under 37 CFR 1.182 filed 27 May 2011.

BACKGROUND

On 20 December 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390) and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/EP09/04502. This international application number also appears in the Transmittal Letter. However, the international application number appearing in the ADS is PCT/EP2009/004503.

On 25 March 2011, a Notification was issued indicating that a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the above-stated error regarding the international application number was required.

On 27 May 2011, applicants submitted the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. A review of the application file including counsel's statements in the instant submission reveals that the present application should in fact be the national stage application of international application PCT/EP2009/004503.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



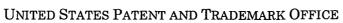
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,070	12/20/2010	Reiji Yamada	252036-1020	1301
THOMAS, KA	7590 03/22/2011 YDEN, HORSTEMEYF A PARKWAY, S.E.	ER & RISLEY, LLP	EXAM	INER
STE 1500	·		ART UNIT	PAPER NUMBER
ATLANTA, GA	A 30339-5994		3725	
		•	' MAIL DATE	DELIVERY MODE
			03/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STÉ 1500 ATLANTA GA 30339-5994

In re Application of:

YAMADA, REIJI et al Serial No.: 13/000,070

Filed: Dec. 20, 2010 Docket: 252036/1020

Title:

HORIZONTAL HOTPRESS

SYSTEM

" DECISION ON REQUEST

TO PARTICIPATE IN

PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE

SPECIAL UNDER 37 CFR

1.102(a)

::

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 8, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #6 above.

The request to participate in the PPH program and petition fail to include a copy of the JPO cited references, namely, Japanese patent document No. 3-74163; 3-39444; 3-77761 and 4-40120.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is dismissed.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,070	12/20/2010	Reiji Yamada	252036-1020	1301
	7590 04/18/2011 YDEN, HORSTEMEYER	& RISLEY, LLP	EXAM	INER
600 GALLERIA PARKWAY, S.E.			ROSS, DANA	
STE 1500 ATLANTA, GA	Δ 3033Q ₋ 5QQΔ		ART UNIT	PAPER NUMBER
MILMINI, G	130337-3774		3725	*
	•			•
		·	MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500
ATLANTA GA 30339-5994

In re Application of:

YAMADA, REIJI et al Serial No.: 13/000,070

Filed: Dec. 20, 2010 Docket: 252036/1020

Title:

HORIZONTAL HOTPRESS

SYSTEM

" DECISION ON REQUEST

TO PARTICIPATE IN

PATENT PROSECUTION HIGHWAY (PPH) AND

PETITION TO MAKE SPECIAL UNDER 37 CFR

1.102(a)

::

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 15, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Dana Ross, the SPE of Art Unit 3725 at 571-272-4524 for Class 100/50 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856



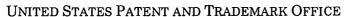
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,074	12/20/2010	Reiji Yamada	252036-1010	1334
THOMAS, KA	7590 04/26/201 YDEN, HORSTEMEY	•	EXAM	INER
STE 1500	A PARKWAY, S.E.		ART UNIT	PAPER NUMBER
ATLANTA, GA	A 30339-5994		1745	
			MAIL DATE	DELIVERY MODE
			04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CST

April 25, 2011

In re application of Reiji Yamada et al Serial No. 13/000,074

Filed: December 20, 2010

For: HORIZONTAL HOTPRESS

SYSTEM

DECISION ON REQUEST TO

PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 1, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/	
Christine Tierney	
Quality Assurance Specialist	
Technology Center 1700	



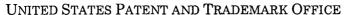
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,087	12/20/2010	Kazuto Koshiishi	4592-020	1445
22429 7590 08/10/2011 LOWE HAUPTMAN HAM & BERNER, LLP			EXAM	INER
1700 DIAGONAL ROAD SUITE 300			ART UNIT	PAPER NUMBER
ALEXANDRIA	A, VA 22314		1747	
			MAIL DATE	DELIVERY MODE
			08/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

AUG 10 2011

WG

In re application of

Kazuto Koshiishi

Serial No. 13/000,087

Filed: December 20, 2010

For: TOBACCO FILTER

..-

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 13, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin

Walter D. Griffin

Supervisory Patent Examiner

Technology Center 1700





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ALEXANDRIA, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington DC 20005-1503

In re Application of

HARADA et al : DECISION ON

Application No.: 13/000,111 PCT No.: PCT/JP2009/061762

Int. Filing Date: 26 June 2009 : PETITION UNDER

Priority Date: 26 June 2008

Attorney Docket No.: 2010 1744A

For: Ni-BASED SINGLE : 37 CFR 1.181

AS SUBSTRATE

This is in response to applicants' submission "REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE" filed on 06 April 2011, which is being treated as a petition under 37 CFR 1.181. This submission states that the correct transliteration spelling of the seventh inventor on the executed declaration is KITASHIMA.

BACKGROUND

On 20 December 2010, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because no executed oath or declaration was filed at that time.

On 13 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date." The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" The notice also indicated that all of the items set forth above must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment.

On 14 March 2011, applicants filed a "Response to Notification of Missing Requirements," by filing an executed declaration.

On 31 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 06 April 2011, applicants responded with the current petition.

DISCUSSION

The correct name of the seven co-inventor is "Tomonori KITASHIMA" as indicated in the declaration submitted, and not as listed in the International Application (Tomonori KITAJIMA). The mistake was due to a transliteration error because the spelling was caused by a pronunciation error as the characters in his Japanese name have not changed. As such the correct spelling, **Tomonori KITASHIMA**, will be reflected in the US national stage processing.

Applicants' response is accepted as a sufficient response to the Notification of Missing Requirements (FORM PCT/DO/EO/905) mailed on 31 March 2011.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR 1.181 is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 14 March 2011.

PCT Legal Examiner
PCT Legal Office

Telephone: (571) 272-3276 Facsimile: (571) 273-0459



Commissioner for Patent United States Patent and Trademark Offic P.O. Box 145 Alexandria VA 22313-145

MAILED

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

AUG 02 2011

PCT LEGAL ADMINISTRATION

In re Application of Legaignoux et al.

Application No.: 13/000,116

PCT No.: PCT/EP2009/057698 Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008

Attorney Docket No.: 1000035-000102

For: Pipe-Laying Vessel And Method Of Laying A Pipeline:

DECISION

ON

PETITION

This is in response to the petition under 37 CFR 1.47(a) filed on 24 May 2011.

BACKGROUND

This international application was filed on 19 June 2009, claimed an earlier priority date of 20 June 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 23 December 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 20 December 2010. Applicants filed *inter alia* the basic national fee on 20 December 2010.

On 27 January 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding requirement (1), the \$200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner has provided a "Statement of Facts..." signed by Maurizio Lanzo, who describes the circumstances under which the signature of the non-signing inventor was sought. The "Statement..." refers to various emails and mailings, but it appears that the non-signing inventor was not presented with both a complete copy of the application and a declaration until the copy of the application was sent along with the letter dated 21 March 2011. However, applicants have not provided a first-hand statement by the person who mailed that

¹The "Statement of Facts..." indicates that "the front page of the corresponding PCT publication..." was sent on 14 December 2011, but a complete copy of the application papers is required to be presented.

Appln. No.: 13/000,116 Page 2

letter (presumably, Emily Teesdale), per the practice described at MPEP 409.03(d). As such, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

Regarding requirement (3), the petition provides the last-known address of the non-signing inventor.

Regarding requirement (4), inspection of the declaration of inventorship filed on 24 May 2011 reveals that it satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within <u>TWO (2) MONTHS</u> from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in <u>ABANDONMENT</u>.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/ George Dombroske PCT Legal Examiner Office of PCT Legal Administration Tel: (571) 272-3283



MAILED

Commissioner for Patent United States Patent and Trademark Offio P.O. Box 145 Alexandria, VA 22313-145 www.uspto.go

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

DEC 202011

PCT LEGAL ADMINISTRATION

In re Application of Legaignoux et al.

Application No.: 13/000,116

PCT No.: PCT/EP2009/057698

Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008

Attorney Docket No.: 1000035-000102

For: Pipe-Laying Vessel And Method Of Laying A Pipeline:

DECISION

ON

PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 30 September 2011.

DISCUSSION

In a Decision mailed on 02 August 2011, the petition under 37 CFR 1.47(a) filed on 24 May 2011 was dismissed, without prejudice, because requirement (2) had not been satisfied:

In response, petitioner has provided a "Statement of Facts..." signed by Emily Teesdale, who indicates that, on 21 March 2011, she mailed a copy of the application and a declaration to Mr. Legaignoux at his last known address via registered mail, and that the parcel was delivered on 23 March 2011. She has provided a copy of the letter and a tracking page, and states that he did not respond to the letter. Taken in combination with the evidence previously of record, it would be appropriate to construe Mr. Legaignoux' conduct as a "refusal" within the meaning of 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 24 May 2011.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3283



Commissioner for Paten United States Patent and Trademark Offic P.O. Box 14 Alexandria, VA 22131-145 WWW Usblo or

Herve J.F. Legaignoux 5 clos de la Manne Chemin de la Manne F-13800 Istres FRANCE

MAILED

DEC 202011

PCT LEGAL ADMINISTRATION

In re Application of Legaignoux et al.

Application No.: 13/000,116 PCT No.: PCT/EP2009/057698 Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008

Attorney Docket No.: 1000035-000102

For: Pipe-Laying Vessel And Method Of Laying A Pipeline

Dear Mr. Legaignoux:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/ George Dombroske PCT Legal Examiner Office of PCT Legal Administration Tel: (571) 272-3283

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404 Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

rment Description: Petition to make special under PCT-Patent Pros Hwy

Approved for use through 01/31/2012, OMB 0851-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO					
Application No:	Not yet Assigned	Filing date:	Filed Herewith		
First Named Inventor:	Tomoaki UEDA	,			
Title of the DETECTION	ON OF BIOLOGICAL INFORMATION	OF A SU	BJECT		
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGI IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	RAM ALONG V AVAILABLE	WITH THE REQUIRED DOCUMENTS MUST BE AT		
ABOVE-IDENTIFIED	(REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PO	r-PPH PROG	BRAM.		
of another PCT application another PCT application of the company	pplication is (1) a national stage entry of the ation which claims priority to the correspond ity to the corresponding PCT application, or rresponding PCT application.	ing PCT appl	ng PCT application, or (2) a national stage entry lication, or (3) a national application that claims al application which forms the basis for the		
The corresponding F application number(s	ect s) is/are: PCT/JP2010/004869				
The international dat PCT application(s) is	The international date of the corresponding PCT application(s) is/are: August 2, 2010				
a. A copy of the l	I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) ✓ is attached.				
Is <u>not</u> attach	Is <u>not</u> attached because the document is already in the U.S. application.				
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is <u>not</u> attached because the document is already in the U.S. application.					
 English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 					
WO/ISA, W	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. ✓ is attached				
Has alrea	Has already been filed in the above-identified U.S. application on				
	(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) ✓ Are attached.				
Have alre	eady been filed in the above-identified U.S. a	application or	J		

[Pege 1 of 2].

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by S5 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time your pequire to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Pelent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012, OMB 0651-0058

1.S. Petent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO (continued) Application No.: Not yet Assigned First Named Inventor: Tomoaki UEDA II. Claims Correspondence Table: Patentable Claims Claims in US Application Explanation regarding the correspondence in the corresponding PCT Application Original 1 2 2 Canceled 3 Canceled 3 4 4 Currently amended 5 5 Canceled 6 Canceled 6 7 Canceled Canceled 8 8 9 9 Canceled 10 10 Canceled 11 11 Canceled Canceled 12 12 13 13 Currently amended 14 14 Original 15 15 Original 16 16 Original 17 Original 17 Currently amended 18 18 19 19 Original 20 Canceled

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature	Martin a. Weaks	Date 12/20/2010
Name (Print/Typed)	Martin A. Weeks	Registration Number 37,753



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

AUG 03 2011

PCT LEGAL ADMINISTRATION

In re Application of

LEGAIGNOUX, Herve Jean François, et al.

Application No.: 13/000,150

PCT No.: PCT/EP2009/057700

Int. Filing Date: 19 June 2009

Priority Date: 20 June 2008

Docket No.: 1000035-000103

For: PIPE-LAYING VESSEL AND

METHOD OF LAYING A PIPELINE

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 24 May 2011.

BACKGROUND

On 25 January 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 May 2011, applicants filed a petition under 37 CFR 1.47(a), a declaration and the fee for a two month extension of time.

On 20 June 2011, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that all requirements under 35 USC 371 have been satisfied.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known address of Mr. Herve J.F. Legaignoux as 5 clos de la Manne; Chemin de la Manne F-13800; Istres, France. The declaration complies with 37 CFR 1.47.

Item (2) has not been satisfied. Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with

the application papers and/or to whom the refusal was made. MPEP 409.03(d). Ms. Teesdale, not Mr. Lanzo, appears to have the first hand knowledge of the 21 March 2011 presentation. Further, the letter signed by Ms. Teesdale indicates that application "PCT/EP2009/05700," was enclosed. That is not the correct application number as it is missing a digit.

As applicants have not yet furnished an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b), the Notification of Acceptance issued in error.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Form PCT/DO/EO/903 mailed 20 June 2011 is **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within <u>TWO (2) MONTHS</u> from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

DEC 02 2011

PCT LEGAL ADMINISTRATION

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

In re Application of

LEGAIGNOUX, Herve Jean François, et al.

Application No.: 13/000,150

PCT No.: PCT/EP2009/057700

Int. Filing Date: 19 June 2009

Priority Date: 20 June 2008

Docket No.: 1000035-000103

For: PIPE-LAYING VESSEL AND

METHOD OF LAYING A PIPELINE

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 September 2011.

BACKGROUND

On 03 August 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 30 September 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) were previously met. The petition fee has been paid. Applicant states the last known address of Mr. Herve J.F. Legaignoux as 5 clos de la Manne; Chemin de la Manne F-13800; Istres, France. The declaration complies with 37 CFR 1.47.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including according of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 24 May 2011.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Herve J.F. Legaignoux 5 clos de la Manne Chemin de la Manne F-13800 Istres France

MAILED

DEC 02 2011

PCT LEGAL ADMINISTRATION

In re Application of LEGAIGNOUX, Herve Jean François, et al.

Application No.: 13/000,150 PCT No.: PCT/EP2009/057700 Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008 Docket No.: 1000035-000103

For: PIPE-LAYING VESSEL AND METHOD OF LAYING A PIPELINE

Dear Mr. Legaignoux:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404



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United States Patent and Trademark Office
P.O. Box 1450
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MAILED

DEC 02 2011

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404

PCT LEGAL ADMINISTRATION

In re Application of

LEGAIGNOUX, Herve Jean Francois, et al.

Application No.: 13/000,150

PCT No.: PCT/EP2009/057700

Int. Filing Date: 19 June 2009

Priority Date: 20 June 2008

Docket No.: 1000035-000103

For: PIPE-LAYING VESSEL AND

METHOD OF LAYING A PIPELINE

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 September 2011.

BACKGROUND

On 03 August 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicant's petition without prejudice.

On 30 September 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) were previously met. The petition fee has been paid. Applicant states the last known address of Mr. Herve J.F. Legaignoux as 5 clos de la Manne; Chemin de la Manne F-13800; Istres, France. The declaration complies with 37 CFR 1.47.

Item (2) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including according of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 24 May 2011.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

Herve J.F. Legaignoux 5 clos de la Manne Chemin de la Manne F-13800 Istres France

DEC 02 2011

PCT LEGAL ADMINISTRATION

In re Application of

LEGAIGNOUX, Herve Jean Francois, et al.

Application No.: 13/000,150 PCT No.: PCT/EP2009/057700 Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008 Docket No.: 1000035-000103

For: PIPE-LAYING VESSEL AND METHOD OF LAYING A PIPELINE

Dear Mr. Legaignoux:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA VA 22313-1404



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207

2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS MI 49546

JUN 02 2011

PCT LEGAL ADMINISTRATION

In re Application of:

ZABAWSKYJ, Bohdan, et al. U.S. Application No.: 13/000,154

PCT No.: PCT/CA2008/001197

International Filing Date: 26 June 2008

Priority Date: 26 June 2008

Attorney's Docket No.: PER04 P-105 For: SYSTEM, METHOD AND

APPARATUS FOR SECURITY

MANAGEMENT OF AN ELECTRONIC DEVICE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition For Filing By Assignee Under 37 C.F.R. 1.47(a)" filed 22 April 2011. Applicants have paid the required petition fee.

BACKGROUND

On 26 June 2008, applicants filed international application PCT/CA2008/001197. The application did not claim an earlier priority date, and it designated the United States. On 30 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for payment of the basic national fee was 30 months from the priority date, i.e., 26 December 2010.

On 20 December 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other items, payment of the basic national fee and a partially executed declaration document.

On 24 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification indicated that the declaration filed on 20 December 2010 was not acceptable because it was not executed by all the inventors.

On 22 April 2011, applicants filed a response to the Notification Of Missing Requirements (with required one-month extension fee). The submission includes the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application

without the signature of co-inventor Philip STEELE, whom applicants assert has refused to execute the application.

DISCUSSION

Where some, but not all, of the inventors fail to execute the declaration, acceptance of the application without the signature of the remaining inventor(s) may be requested pursuant to 37 CFR 1.47(a). A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the remaining inventors on their own behalf and on behalf of the non-signing inventor; and (4) factual proof that the non-signing inventor refuses to execute the application or cannot be reached after diligent effort.

The present petition was accompanied by payment of the required petition fee, and the petition expressly sets forth the last known address of the non-signing inventor. Items (1) and (2) of a grantable petition are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declaration documents executed by three of the four inventors of record, as well as a separate declaration executed on behalf of non-signing inventor Philip STEELE by a representative of the assignee, Redknee, Inc. (Redknee). However, where, as here, at least one of the inventors has executed the declaration, it is impermissible for the assignee to sign on behalf of any of the other inventors. Because the assignee has executed a declaration on behalf of the non-signing inventor, it can not be presumed that the other inventors executed the declarations filed herein on their own behalf and on behalf of the non-signing inventor, as required for the declaration to be accepted under 37 CFR 1.47(a). In addition, it is noted that the declaration document executed by co-inventor Bohdan ZABAWSKYJ is defective because it fails to identify all four inventors of record (this one-page declaration lists only two inventors, and it does not indicate that additional inventors are listed on additional pages). The declaration executed by the assignee also fails to identify all inventors of record, as required by 37 CFR 1.497(a) and (b).

Based on the above, item (3) of a grantable petition is not satisfied on the present record.

Regarding item (4), applicants have provided firsthand statements, with supporting documents, providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, was provided to the non-signing inventor via email, that the inventor

The assignee can only sign on behalf of a non-signing inventor(s) in cases where none of the inventors has signed the declaration (see 37 CFR 1.47(b)).

has confirmed receipt of such materials, and that the inventor has refused to provide the requested signed declaration in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. See MPEP section 409.03(d)(II). Item (4) of a grantable petition is therefore satisfied.

CONCLUSION

As discussed above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO** (2) **MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the materials necessary to satisfy item (3) of a grantable petition, as discussed above and in the MPEP, that is, newly-executed declarations from each of the co-operating inventors containing all information required under 37 CFR 1.497 (including the named and citizenship of all four inventors record) and containing an unsigned signature block for the non-signing inventor, Philip STEELE. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

MAILED

VAN DYKE, GARDNER, LINN & BURKHART, LLP SUITE 207 2851 CHARLEVOIX DRIVE, S.E. GRAND RAPIDS MI 49546

SEP 27 2011

PCT LEGAL ADMINISTRATION

In re Application of:

ZABAWSKYJ, Bohdan, et al. U.S. Application No.: 13/000,154 PCT No.: PCT/CA2008/001197

International Filing Date: 26 June 2008

Priority Date: 26 June 2008

Attorney's Docket No.: PER04 P-105
For: SYSTEM, METHOD AND

APPARATUS FOR SECURITY MANAGEMENT OF AN ELECTRONIC DEVICE DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)" filed 01 September 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 02 June 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide a declaration executed by the cooperating inventors acceptable as having been executed on their own behalf and on behalf of the non-signing inventor.

On 15 August 2011, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' purported failure to file a response to the Notification Of Missing Requirements mailed on 14 January 2011.

On 01 September 2011, applicants filed the renewed petition considered herein (accompanied by the required one-month extension fee).

DISCUSSION

Initially, it is noted that applicants filed the original petition under 37 CFR 1.47(a) on 22 April 2011 (with required extension fee) as a timely response to the Notification Of Missing Requirements mailed on 24 January 2011. The Notification Of Abandonment, based as it was on

applicants' purported failure to file a response to the Notification Of Missing Requirements (and mailed prior to the expiration of the extendable response period set forth in the decision mailed on 02 June 2011), was issued in error and is appropriately vacated.

With respect to the present renewed petition under 37 CFR 1.47(a), applicants have now submitted declarations executed by three of the four inventors of record, and these declarations each include an unsigned signature block for the non-signing inventor, Philip STEELE. These declarations may be accepted as having been executed by the inventors on their own behalf and on behalf of the non-signing inventor. Applicants have therefore satisfied the final element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons discussed above, the "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed on 15 August 2011 is hereby **VACATED**.

Applicants' renewed petition under 37 CFR 1.47(a) is GRANTED.

The application is accepted without the signature of non-signing co-inventor Philip STEELE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 September 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DECISION ON PETITION

Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York NY 10036 MAILED MAR U 9 2011

PCT LEGAL ADMINISTRATION

In re Application of

DEUTSCHMAN, et al.

Application No.: 13/000,184

PCT No.: PCT/US2009/049086

Int. Filing Date: 29 June 2009

Priority Date: 27 June 2008

Attorney's Docket No.: P-71137-US

For: METHODS OF USING A METHYLXANTHINE

COMPOUND

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 07 March 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required \$400 petition fee.

BACKGROUND

On 07 January 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and other filing papers such as the PTO-1390 transmittal letter.

On 07 March 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/US2009/049086. An examination of the originally filed papers finds that the correct international application number was listed on the PTO-1390 transmittal letter and declaration filed 20 December 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 20 December 2010 and to permit such materials to be treated as having been directed to international application PCT/US2009/049086.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data

Application No.: 13/000,184

have been corrected and are now associated with PCT/US2009/049086.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen

Alade

Attorney Advisor

Office of PCT Legal Administration

Tel: 571-272-3294

Iment Description Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO							
Application No:	13/000,198	Filing date:	June 22, 2009				
First Named Inventor:	McGinnis						
	rd Osmosis Separation Pr						
SUBMITTED VIA EFS-W HTTP://WWW.USPTO.G	ARTICIPATION IN THE PCT-PPH PILOT PROGF I/EB. INFORMATION REGARDING EFS-WEB IS IOV/EBC/EFS_HELP.HTML	AVAILABLE /	Al				
ADDLICANT HERERY	Y REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC	T-PPH PRO	GRAM AND PETITIONS TO MAKE THE BRAM.				
of another PCT application domestic/ foreign prior priority claim in the cort (4) above, or (6) a L	ation which claims priority to the correspond rity to the corresponding PCT application, or rresponding PCT application, or (5) a continuous application that claims domestic benefit e corresponding PCT application. PCT DCT/US2000/048137	iing PCT appi (4) a nationa uing applicati	ng PCT application, or (2) a national stage entry lication, or (3) a national application that claims al application which forms the basis for the ion of a U.S. application that satisfies one of (1) ovisional application which forms the basis for				
The international fili PCT application(s) i	ing date of the corresponding is/are: June 22, 2009						
corresponding Is attached.	latest international work product (WO/ISA g PCT application(s)						
i <u> </u>	ned because the document is already in the l						
above-identified Is attached.	ed corresponding PCT application(s).		tive step and industrial applicability in the				
is not attach	ned because the document is already in the						
c. English transl language). A s	c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.						

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO						
			(continued)			
Application No.:	13/000	0,198				
First Named Inventor:	irst Named Inventor: McGinnis					
WO/ISA, N Is attach Has alre	WO/IPEA ned eady bee	 IPER) of the correspon filed in the above-identification 	ed U.S. application on	ternational work products (ISR,		
Are atta	ched.		patents or U.S. patent application	on publications)		
II. Claims Corre	sponde	ence Table:				
Claims in US Appl	ication	Patentable Claims in the corresponding PCT Application	Explanation regarding the corre	espondence		
1		1	Substantially identical, ame	ended to correct typographical errors		
		2-22		ame claims		
2-22		23-24	Substantially identical, ame	ended to correct typographical errors		
23-24						
25 1 Substantially identical, includes novel and inventive features of claim 1 26 1 Depends from claim 25 and includes novel and inventive features of claim 1						
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
Signature Name	W			Date May 13, 2011 Registration Number 45128		
(Print/Typed)	ALAN	W. STEELE		Registration Number 9 3120		



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,198	05/13/2011	Robert L. McGinnis	YUX-009.01 1254	
25181 FOLEY HOAC	7590 08/26/201 G. LLP	EXAMINER		
PATENT GRO	UP, WORLD TRADE	CENTER WEST	MENON, KE	USHNAN S
155 SEAPORT			ART UNIT	PAPER NUMBER
BOSTON, MA	02110		1777	<u> </u>
			•	
			NOTIFICATION DATE	DELIVERY MODE
			08/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent@foleyhoag.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

8/26/11

BC

In re application of

Masahiro Hashimoto et al. Serial No. 13/000,198

Filed: December 20, 2010

Attorney Docket No: YUX-009.01

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 13/000,198

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver Quality Assurance Specialist Technology Center 1700 Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO						
Application No:	13/000,226	Filing date:	December 20, 2010			
First Named Inventor:	Takayuki Uchida					
Title of the Invention: COMM	UNICATION METHOD, S	SYSTEN	I, AND PROGRAM			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGIEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		NITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign priori priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s						
The international date PCT application(s) is	e of the corresponding s/are: November 1, 2010					
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.						
✓ Is <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.			
b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached.						
Is <u>not</u> attached because the document is already in the U.S. application.						
 English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 						

Registration Number 60,418

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO								
(continued)								
Application No.:	13/000							
First Named Inventor:		•						
d. (1) An inform WO/ISA,	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on							
(2) Copies of Are atta	of all doo ached. Ilready b	cuments (except) for U.S.	patents or U.S. patent applica					
II. Claims Corres	sponde	nce Table:						
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence								
1		1	Both claims	are substantially same				
2		2	Both claims are substantially same					
3		3	Both claims are substantially same					
4		4	Both claims are same					
5		5	Both claims are same					
6		6	Both claims are substantially same					
7		7	Both claims	are substantially same				
8		8	Both claims	are substantially same				
9		9	Both claims	are substantially same				
10		10	Both claims	are substantially same				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.								
			-					
Signature /Johr	Signature /John Wakeley/ Date October 28, 2011							

Name John Wakeley

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,226	12/20/2010	Takayuki Uchida	00862.182087.	1429
5514 EITZDATDICI	7590 11/08/2011 K CELLA HARPER & SO	TINITO	EXAM	IINER
1290 Avenue o	of the Americas	ZINTO .	HWANG	, JOON H
NEW YORK,	NY 10104-3800		ART UNIT	PAPER NUMBER
		•	2447	
			MAIL DATE	DELIVERY MODE
			11/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Fitzpatrick Cella Harper & Scinto 1290 Avenue of the Americas New York NY 10104-3800

In re Application of: Uchida Application No. 13/000226 Filed: December 20, 2010

For: Communication Method, System and

Program

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 28, 2011, to make the above-identified application special.

The petition is GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
 - Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
 - a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH

Application SN 13/000226 Decision on Petition

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-36128

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/

Tod Swann Quality Assurance Specialist Technology Center 2400



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,242	12/20/2010	Kazuo Kitada	101508	1518
	7590 04/12/2011 N, HATTORI, DANIELS	EXAMINER		
1250 CONNEC SUITE 700	CTICUT AVENUE, NW		ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 20036		1788	
-				
			NOTIFICATION DATE	DELIVERY MODE
		,	04/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

April 11, 2011

For:

WG

In re application of Kazuo Kitada et al. Serial No. 13/000,242 DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

Filed: December 20, 2010

PROGRAM AND

SYSTEM AND METHOD FOR

PETITION TO MAKE UNDER 37 CFR 1.102(a)

MANUFACTURING OPTICAL
DISPLAY DEVICE. SET OF MATERIAL

ROLLS AND METHOD FOR MANUFACTURE THEREOF

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 4, 2011.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s), if applicable, and
 - c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action: i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin/	
Walter D. Griffin	
Supervisory Patent Examiner	
Technology Center 1700	



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

24113
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis. MN 55402-2100

MAILED

MAR 0 7 2012

PCT LEGAL ADMINISTRATION

In re Application of

FAN et al

U.S. Application No.: 13/000,255 PCT No.: PCT/CN2010/074517 Int. Filing Date: 25 June 2010

DECISION ON PETITION

Priority Date: None

Attorney Docket No.: 2250.44WOUS

TO WITHDRAW HOLDING

For: METHOD AND SYSTEM FOR BRAIN

TUMOR SEGMENTATION IN

MULTI-PARAMETER 3D MR IMAGES

VIA ROBUST STATISTIC

INFORMATION PROPAGATION

OF ABANDONMENT

This decision is in response to the papers filed 06 January 2012 which are treated as a petition to withdraw the holding of abandonment. No fee is required.

BACKGROUND

On 20 December 2010, applicants filed papers to enter the national stage of PCT/CN2010/074517 paying \$490.00 in fees.

On 18 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Basic National Fee Required . . . (Form PCT/DO/EO/912) indicating that a copy of the international application and basic national fee prior to thirty months from the priority date was required.

On 08 December 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned for failure to respond to the Form PCT/DO/EO/912 mailed 18 March 2011.

On 20 December 2011, applicants filed the subject petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, an executed declaration in compliance with 37 CFR 1.497(a) and (b).

On 11 January 2012, the DO/EO/US mailed a notice of withdrawal of the Form PCT/DO/EO/909 mailed 08 December 2011 along with a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt.

DISCUSSION

Applicants request that the Office withdraw the Form PCT/DO/EO/909 mailed 08 December 2011. Applicants explain that the Form PCT/DO/EO/909 was improper as the thirty-month deadline to enter the national stage had not yet expired.

A review of the subject application shows that the Form PCT/DO/EO/909 was withdrawn by the DO/EO/US on 11 January 2012.

No further action on this petition is required.

DECISION

For the reason noted above, applicants' petition to withdraw the holding of abandonment is **DISMISSED** as **MOOT**.

National stage processing has been completed. This application is being forwarded to the appropriate Art Unit for examination.

James Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

P	ETITIO	N TO	MAKE SPECIAL	UNDER THE GR	EEN TECHN	NOLOGY PIL	OT PROGRAM
	orney Doo mber:	ket	17239/012001	Application Number (if known):	13/000,286- Conf. #1939	Filing date: Dec	ember 20, 2010
	st Named entor:	Karel	Karal				
Titl	e:	SUPF	PORT STRUCTURE	FOR USE IN THE	OFFSHORE V	VIND FARM IN	DUSTRY
			REBY REQUESTS T				
Th	is petitio	n must	be timely filed electr	onically using the U	JSPTO electro	onic filing syste	m, EFS-Web.
1.	By filing	this pe	etition:				
			equesting early publication t				
2.	and elections of the Green T Classific	et an in echnol ation F	tition: applicant is agr vention that meets the ogies Including Greer Requirement in the Greer, if the Office determ	e eligibility requireme nhouse Gas Reduction een Technology Pilo	ents set forth in on," as modifie t Program," ea	the notice titled d by the notice t ch of which was	"Pilot Program for titled "Elimination of published in the
3.	This req	uest is	accompanied by state	ements of special sta	atus for the elig	ibility requireme	ent.
4.	The app	olicatio	n contains no more t	han three (3) indep	endent claims	and twenty (20)) total claims.
5.	The app	olicatio	n does not contain a	ny multiple depend	ent claims.		
6.	Other att	achme	nts: none				
			· · · · · · · · · · · · · · · · · · ·				
ع ا	Signature		/Jonathan P. Osha/		Date	March 24, 201	l1
	lame Print/Typed	l)	Jonathan P. Osha		Registration	Number	33,986
		and 11.	f all the inventors or assigned 18. Please see 37 CFR 1.4 v*.				
	*Total	l of	1 forms are sub	mitted.			

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program (Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (5) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,286	/000,286 03/24/2011 Karel Karal	17239/012001	1939	
22511 OSHA LIANG TWO HOUSTO		EXAM	INER	
909 FANNIN,			ART UNIT	PAPER NUMBER
HOUSTON, T	X 77010		3672	
			NOTIFICATION DATE	DELIVERY MODE
		•	10/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com hathaway@oshaliang.com kennedy@oshaliang.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

OCT 1 9 2011.

OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON TX 77010

In re Application of

Karel Karal et al. : DECISION ON PETITION
Application No. 13/000,286 : TO MAKE SPECIAL UNDER
Filed December 20, 2010 : THE GREEN TECHNOLOGY

Attorney Docket No. 17239/012001 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3 and 4.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 4, there is no materiality statement in the petition. As stated in the notice, applicant must provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. In addition, the notice specifically states that the materiality standard does not permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may contribute to development of renewable energy; or energy conservation or greenhouse gas emission reduction. The use of a support structure in a wind turbine system is deemed to be a minor aspect of the wind turbine system itself. It is noted that the claimed support structure in and by itself cannot generate energy or convert the rotational mechanical energy into electrical energy. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). Also see MPEP § 708.02 (VI). Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3672 for action in its regular turn.

/Lanna Mai/

Lanna Mai Quality Assurance Specialist Technology Center 3600

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

OCT 20 2011

PCT LEGAL ADMINISTRATION

Thorpe North & Western, LLP PO Box 1219 Sandy, UT 84091-1219

In re Application of McCamey, Dane R.

Application No.: 13/000,298

PCT No.: PCT/US2009/048037

Int. Filing Date: 19 June 2009 Priority Date: 20 June 2008

Docket No.: 00846-U4471.PCT.US

For: METHOD FOR THE GERI

METHOD FOR THE GERNERATION OF NUCLEAR HYPER-ANTIPOLARIZATION IN SOLIDS WITHOUT THE USE OF HIGH

MAGNETIC FIELDS OR MAGNETIC

RESONANT EXCITATION

: DECISION ON PETITION : UNDER 37 CFR 1.137(b)

This decision is issued in response to applicant's "Petition for Revival of this Application for Unintentional Abandonment under 37 CFR 1.137(b)" filed 30 August 2011.

BACKGROUND

On 19 June 2009, applicant filed international application PCT/US2009/048037 which claimed a priority date of 20 June 2008. The deadline for payment of the basic national fee in the United States expired at midnight of 20 December 2010.

On 20 December 2010, applicant filed a transmittal letter of entry into the national stage in the United States which was accompanied by, inter alia: payment of the basic national fee.

On 24 January 2011, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905) indicating that \$1028 of additional filing fees and oath or declaration are due.

Application No.: 13/000,298

On 30 August 2011, applicant filed a "Petition for Revival of this Application for Unintentional Abandonment under 37 CFR 1.137(b)" which included: the petition to revive fee, and an executed declaration/power of attorney.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

[g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

The "required reply" is therefore payment of the required fees and submission an executed declaration or oath in compliance with 37 CFR 1.497(a)-(b). The Petition For Revival filed on 30 August 2011 was accompanied by a declaration that was incomplete. The last paragraph of sheet no. 1 of the declaration is cut off, and does not include the statement under 18 USC 1001 that the statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true. Thus, applicants have submitted the "required reply." Item (1) is not satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by a credit card payment for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

Application No.: 13/000,298

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have not been met and applicant's petition to revive is <u>DISMISSED</u> without prejudice

If reconsideration on the merits is desired, a proper response must be filed with TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b) and Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 whit the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Mark Ragland

Paralegal Specialist

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459 Boris Milef

PCT Legal Examiner

Office of PCT Legal Administration



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED

DEC 23 2011

PCT LEGAL ADMINISTRATION

Thorpe North & Western, LLP PO Box 1219 Sandy, UT 84091-1219

In re Application of McCamey, Dane R.

Application No.: 13/000,298

PCT No.: PCT/US2009/048037 : DECISION ON PETITION Int. Filing Date: 19 June 2009 : UNDER 37 CFR 1.137(b)

Priority Date: 20 June 2008

Docket No.: 00846-U4471.PCT.US

For: METHOD FOR THE GERNERATION OF

NUCLEAR HYPER-ANTIPOLARIZATION:
IN SOLIDS WITHOUT THE USE OF HIGH:
MAGNETIC FIELDS OR MAGNETIC::

RESONANT EXCITATION :

This decision is issued in response to applicant's "Renewed Petition Under 37 CFR 1.137(B) and Request for Status Under 37 CFR 1.42" filed 27 October 2011.

BACKGROUND

On 19 June 2009, applicant filed international application PCT/US2009/048037 which claimed a priority date of 20 June 2008. The deadline for payment of the basic national fee in the United States expired at midnight of 20 December 2010.

On 20 December 2010, applicant filed a transmittal letter of entry into the national stage in the United States which was accompanied by, inter alia: payment of the basic national fee.

On 24 January 2011, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905) indicating that \$1028 for large entity of additional filing fees and oath or declaration are due.

Application No.: 13/000,298

On 30 August 2011, applicant filed a "Petition for Revival of this Application for Unintentional Abandonment under 37 CFR 1.137(b)" which included: the petition to revive fee, and an executed declaration/power of attorney.

On 20 October 2011, the USPTO dismissed the Petition For Revival due to receipt of incomplete declaration. The last paragraph of sheet no. 1 of the declaration is cut off, and does not include the statement under 18 USC 1001 that the statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true.

On 27 October 2011, applicant filed a "Renewed Petition Under 37 CFR 1.137(B) and Request for Status Under 37 CFR 1.42" which included a revised executed declaration/power of attorney.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

[g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

The "required reply" is an oath and declaration in compliance with 37 CFR 1.497(a)-(b). Thus, applicants have made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 20 December 2010. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by a credit card payment for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above

Application No.: 13/000,298

is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is **GRANTED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Mark Ragland Paralegal Specialist Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459 **Boris Milef**

PCT Legal Examiner

Office of PCT Legal Administration



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION	
13/000,338	12/20/2010	Hajime Zembutsu	J-10-0550 2409	
71799 Mr. Jackson Cł	7590 07/11/201	EXAM	INER	
6535 N. STAT	E HWY 161		BARRON JR, GILBERTO	
IRVING, TX 7	5039		ART UNIT	PAPER NUMBER
			2432	<u> </u>
		·	NOTIFICATION DATE	DELIVERY MODE
			07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com KENSAKU.SATO@NECAM.COM



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

www.uspto.gov

Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING, TX 75039

In re Application of: ZEMBUTSU, H. Application No.: 13/000,338

Filed: December 20, 2010

For: COMMUNICATION SYSTEM, SERVER APPARATUS, INFORMATION COMMUNICATION METHOD, AND

PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **January 12, 2011**, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist Technology Center 2400 Networking, Multiplexing, Cable and Security



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	ICATION NO. FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,338	12/20/2010	Hajime Zembutsu	J-10-0550	2409
71799 Mr. Jackson Ch	7590 07/11/2011		EXAMINER	
6535 N. STATI	E HWY 161	BARRON JR, GILBERTO		
IRVING, TX 75039			ART UNIT	PAPER NUMBER
			2432	
			NOTIFICATION DATE	DELIVERY MODE
			07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com KENSAKU.SATO@NECAM.COM

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING, TX 75039

In re Application of: ZEMBUTSU, H.

Application No.: 13/000,338 Filed: December 20, 2010

For: COMMUNICATION SYSTEM, SERVER APPARATUS, INFORMATION COMMUNICATION METHOD, AND

PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **January 12, 2011**, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist Technology Center 2400 Networking, Multiplexing, Cable and Security Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO						
Application No:	unassigned	Filing date:	herewith			
First Named Inventor:	KIMURA,Tomohiko					
Title of the CLEAN	ISING COSMETIC COMP	POSITIO	NC			
SUBMITTED VIA EFS-W HTTP://WWW.USPTO.G	EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	AVAILABLE				
APPLICANT HEREBY ABOVE-IDENTIFIED	REQUESTS PARTICIPATION IN THE PCAPPLICATION SPECIAL UNDER THE PC	T-PPH PRO T-PPH PROG	GRAM AND PETITIONS TO MAKE THE GRAM.			
of another PCT application domestic/ foreign prior priority claim in the column (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding PCT PCT/JP2009/002720 application number(s) is/are: The international date of the corresponding PCT application(s) is/are: JUNE 16, 2009						
 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached. Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 						

Registration Number 44,001

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

F			N IN THE PCT-PPH PILOT	Program
	I	BETWEEN THE	JPO AND THE USPTO (continued)	
Application No.:	LINIA COLONIE	-D	(continued)	
Application No.:	UNASSIGNE			
First Named Inventor:				(Construction and under ASE
WO/ISA ✓ Is atta	, WO/IPEA , IPEF ched	R) of the correspo	onding PC1 application.	international work products (ISR,
			fied U.S. application on	
✓ Are at	tached.		. patents or U.S. patent applica	
II. Claims Corre	spondence Ta	ıble:		
Claims in US Appl	ication Patent	table Claims corresponding	Explanation regarding the corre	
1 (AS AMENI		1		JP Pat. No. 4274491
2 " "		2		JP Pat. No. 4274491
3 ,	,	3		JP Pat. No. 4274491
4 "		4	Allowed III	JP Pat. No. 4274491
III. All the clair corresponding	ns in the US applicat	oplication sufficion.	ciently correspond to the par	
	AIA	1 /		Date 12/20/2010

Signature

Name (Print/Typed)

Andrew F. Young



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/000,349	02/10/2011 Tomohiko Kimura		WINGR.P002	2486	
	7590 06/09/2011 H SIEGEL, LLP	EXAMINER			
1 CHASE ROA			ART UNIT	PAPER NUMBER	
SCARSDALE, NY 10583			1655		
			·		
		•	MAIL DATE	DELIVERY MODE	
		·	06/09/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583

In re Application of TOMOHIKO KIMURA

Application No. 13/000,349 Filed: February 10, 2011

Attorney Docket No. WINGR.P002

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed December 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH program and petition to make special require:

- (1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
- (6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;

(7) Applicant must submit a claim correspondence table in English; and

(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Cecilia Tsang

Supervisory Patent Examiner

TC 1600



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE, SUITE 2800 SEATTLE, WA 98101-2347

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of

Volker PROBST

Application No. 13/000,355

Filed: April 6, 2011

Attorney Docket No. BOEH135974

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 Awww.usbto.gov

MAILED

Oppedahl Patent Law Firm, LLC- China Pat P O Box 5940 Dillon CO 80435-5940

FEB 02 2011

PCT LEGAL ADMINISTRATION

In re Application of

GAN

DECISION ON PETITION

UNDER

37 CFR1.137(b)

Application No.: 13/000,363

PCT No.: PCT/CN08/02155

Int'l Filing Date: 31 December 2008

Priority Date: 12 June 2008

Atty Docket No.: BHYI.P-032 104173PCT-US-Z

For: METHOD A ND SYSTEM FOR

GENERATING KEYS

The petition to revive under 37 CFR 1.137(b) filed 21 December 2010 in the above-

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply unless previously filed, (2) the petition fee required by law; (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

captioned application is hereby **DISMISSED** for the reasons that follow:

A review of the application file reveals that the petition fee has not been paid. The request to revive the application abandoned under 35 U.S.C. 371(d) is dismissed as to the National stage in the United States of America at this time.

This application remains abandoned. The application will be held in the PCT Legal Office to await applicant's further reply.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor Office of PCT Legal Administration

Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313

MAILED

MAY 03 2011

Oppedahl Patent Law Firm, LLC- China Pat PO Box 5940 Dillon CO 80435-5940

PCT LEGAL ADMINISTRATION

In re Application of

GAN DECISION ON PETITION

Application No.: 13/000,363

PCT No.: PCT/CN08/02155 **UNDER**

Int'l Filing Date: 31 December 2008

Priority Date: 12 June 2008 37 CFR1.137(b)

Atty Docket No.: BHYI.P-032 104173PCT-US-Z

For: METHOD A ND SYSTEM FOR

GENERATING KEYS

The renewed petition to revive under 37 CFR 1.137(b) filed 08 February 2011 in the above-captioned application is hereby **GRANTED** for the reasons that follow:

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply unless previously filed, (2) the petition fee required by law; (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to this paragraph was unintentional".

A review of the application file reveals that the petition fee has now been paid. Petitioner has satisfied Items (1)-(3) above. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America at this time.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 08 February 2011.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor Office of PCT Legal Administration Telephone: (571)272-3286

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

26694 VENABLE LLP P.O. Box 34385 Washington DC 20043-9998

MAILED

FEB 232011

PCT LEGAL ADMINISTRATION

In re Application of

RAIBLE et al

Application No.: 13/000,422

PCT No.: PCT/CH2009/000203

Int. Filing Date: 15 June 2009

Priority Date: 25 June 2008

Priority Date: 25 June 2008

Attorney's Docket No.: 31509-293372 For: DEVICE FOR STRUCTURING A

SOLAR MODULE

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 21 December 2010, applicants filed papers electronically with the USPTO EFS-Web system to enter the national stage of PCT/CH2009/000203 at 13:25:28 using attorney docket number 31509-293372. This application was given U.S. application number 13/000,422. Fees totaling \$980.00 were provided.

A second set of national stage papers for PCT/CH2009/000203 was filed at 13:28:18 on the same day using the same attorney docket number. The second filing was originally denoted as U.S. application number 13/000,425. No fees were paid in the second application.

On 25 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a \$130.00 surcharge fee for U.S. Application No.13/000,422.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application of PCT/CH2009/000203. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in

the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that each filing is a "U.S. National Stage under 35 USC 371" of PCT/CH2009/000203. No conflicting instructions appear in any of the application papers.

Therefore, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

Both applications have been merged into one national stage application for PCT/CH2009/000203 and denoted as U.S. application No. **13/000,422**.

Applicants must use only U.S. application No. **13/000,422** for all correspondence to the national stage application of PCT/CH2009/000203.

Applicants are advised that U.S. application No. 13/000,425 is no longer a valid U.S. National stage application.

This application is being forwarded to the DO/EO/US for continued processing.

ames Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspio.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,434	02/22/2011	02/22/2011 Klaus Bernreitner		3430
²⁷⁸⁸⁵ FAY SHARPE	7590 10/25/2011 S.T.I.P	EXAMINER LEE, RIP A		
1228 Euclid A	venue, 5th Floor			
	The Halle Building Cleveland, OH 44115		ART UNIT	PAPER NUMBER
Cievelana, Ori	. 11113		1762	
			MAIL DATE	DELIVERY MODE
			10/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland OH 44115

Applicant: Bernreitner et al. Appl. No.: 13/000,434

Filing Date: February 22, 2011

Title: PROCESS FOR THE PRODUCTION OF POLYOLEFINS WITH BROAD

MOLECULAR WEIGHT DISTRIBUTION Attorney Docket No.: KADZ 200107US01

Pub. No.: US 2011/0160373 A1 Pub. Date: June 30, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 17, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to:

Mail Stop PGPUB

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management

United States Patent & Trademark Office



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Refund Ref: 10/25/2011

0030103703

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Paper No.

AUG 12:2011

EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON MA 02205

OFFICE OF PETITIONS

In re Application of

Gum et al.

Application No. 13/000,455 : DECISION ON PETITION

Filed: April 13, 2011 : PURSUANT TO

Attorney Docket No.: : 37 C.F.R. § 1.28(c)

69999US (42579)

Title: CHUCK AND BRIDGE : CONNECTION POINTS FOR TUBE : FILAMENTS IN A CHEMICAL VAPOR :

DEPOSITION REACTOR

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on July 27, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of \$905 is acknowledged.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,567	02/11/2011	Carsten Bruun Andersen	5789-207PUS	4492
27799 COHEN, PON	7590 05/06/201 TANI, LIEBERMAN &	EXAM	INER	
551 FIFTH AV	,	1		
SUITE 1210		ART UNIT	PAPER NUMBER	
NEW YORK,	NEW YORK, NY 10176			
			MAIL DATE	DELIVERY MODE
		1	05/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK NY 10176

In re Application of

ANDERSEN, CARSTEN BRUUN et al : DECISION ON REQUEST TO Application No. 13/000,567 : PARTICIPATE IN PATENT Filed: Dec. 21, 2010 : PROSECUTION HIGHWAY

Attorney Docket No. 5789-207PUS : PILOT PROGRAM AND PETITION

For: A HUB ENCLOSURE FOR A HUB : TO MAKE SPECIAL UNDER

OF A WIND TURBINE : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(a), filed Dec. 21, 2010, to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DKPTO application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS statement is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Edward Look, SPE of Art Unit 3745 and 571-272-4820.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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MAY 1 1 2011

PCT LEGAL ADMINISTRATION

In re Application of SODANO

U.S. Application No.: 13/000,568

PCT Application No.: PCT/US2009/048971

Int. Filing Date: 26 June 2009

Priority Date Claimed: 26 June 2008

Attorney Docket No.: 22193-0045US1

For: FIBER REINFORCED COMPOSITES WITH

ZNO NANOWIRE INTERPHASE

DECISION

This is in response to applicant's request under 37 CFR 1.497(d) filed 18 March 2011.

BACKGROUND

On 26 June 2009, applicant filed international application PCT/US2009/048971, which claimed priority of an earlier United States application filed 26 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 30 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 27 December 2010.

On 21 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration

On 26 January 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy regarding the inventive entity.

On 18 March 2011, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

The petition states that Gregory Ehlert should be added as an inventor.

37 CFR 1.497(d) states,

. 61

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite \$130.00 processing fee will be charged to Deposit Account No. 06-1050 as authorized in the request.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 December 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

PCT Legal Examiner

PCT Legal Office

Bycincin

Telephone: 571-272-3303 Facsimile: 571-273-0459



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KF ROSS PC 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of

KRAMARZ- VON KOHOUT et al

U.S. Application No.: 13/000,588

PCT Application No.: PCT/EP2009/002116

Int. Filing Date: 23 March 2009 : DECISION

Priority Date Claimed: 19 June 2008

Attorney Docket No.: 30143

For: SPECIAL MOBILE RADIO TELEPHONE

SUPPLY WITH INHERENT ACCESS

MANAGEMENT AND BLOCKING

FUNCTION

This is in response to applicant's petition under 37 CFR 1.137(b) filed 21 December 2010.

BACKGROUND

On 23 March 2009, applicant filed international application PCT/EP2009/002116, which claimed priority of an earlier Germany application filed 19 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 23 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 21 December 2010, international application PCT/EP2009/002116 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 December 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing the required documents from the due date of 19 December 2010 until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a translation of the international application into English must be filed.

Byom Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

FEB 07 2011

LLP

901 NEW YORK AVENUE, NW WASHINGTON DC 20001-4413

PCT LEGAL ADMINISTRATION

DECISION ON

PETITION UNDER

In re Application of

MANCINI et al.

Application No.: 13/000,599

PCT No.: PCT/IB2008/051501 Int. Filing Date: 18 April 2008

PCT/IB2008/051501 :

Priority Date: None

Attorney Docket No.: 07040.0424 : 37 CFR 1.137(b)

For: PROCESS AND APPARATUS FOR

ASSEMBLING TYRES

This decision is in response to applicant's submission filed 21 December 2010.

BACKGROUND

On 18 April 2008, applicant filed international application PCT/IB2008/051501 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 June 2010. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 October 2010.

On 21 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventors, and a petition under 37 CFR 1.137(b).

* **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Application No.: 13/000,599

-2-

As to item (1), applicant submitted the basic national fee on 21 December 2010.

As to item (2), applicant submitted the petition fee on 21 December 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 21 December 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer Legal Examiner **PCT Legal Affairs** Office of Patent Cooperation Treaty Legal Administration Telephone: (571) 272-3301

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Alexandria, VA 22313-1450

AUG 08 2011

KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND OR 97204

PCT LEGAL ADMINISTRATION

In re Application of JOUBERT, Simon John Application No. 13/000 6

Application No.: 13/000,620 PCT No.: PCT/IB2009/052689

Int. Filing Date: 23 June 2009 Priority Date: 23 June 2008 Docket No.: 6232-86395-01 For: TRANSPORT OF GOODS

2009/052689 : DECISION

This decision responds to applicants' Response to the Notification of Defective Response, filed 08 June 2011.

BACKGROUND

On 09 May 2011, the Office mailed Notification of Defective Response, vacating the 25 April 2011 Notification of Acceptance and requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) within one month.

On 08 June 2011, applicant submitted a declaration of the inventor.

DISCUSSION

The 08 June 2011 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012, OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO						
Application No:	13/000,634	Filing date:	December 22, 2010			
First Named Inventor:	Katsumasa KONO et a	1.				
Title of the PLANA	R ELEMENT, AND TOU	CH SWI	ITCH			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGREES. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a L	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s	PCT/JP2009/063355					
The international dat PCT application(s) is	e of the corresponding s/are: July 27, 2009					
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.						
✓ Is <u>not</u> attach	ed because the document is already in the	U.S. applicat	ion.			
	 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is <u>not</u> attach	ed because the document is already in the	U.S. applicat	ion.			
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.						

Date July 27, 2011

Registration Number 37,701

U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Rı	EQUES		IN THE PCT-PPH PILOT PROGRAM JPO AND THE USPTO (continued)		
Application No.:	tion No.: 13/000,634				
		nasa KONO et al.			
WO/ISA, Is attac	WO/IPE hed	A, IPER) of the correspon	ng the documents cited in the international work products (ISR, nding PCT application. Tied U.S. application on		
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 22, 2010 II. Claims Correspondence Table:					
Claims in US Applic	cation	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence		
Claim 1		Claim 1	Same		
Claim 2		Claim 2	Same		
Claim 3		Claim 3	Same		
Claim 4		Claim 4	Same		
Claim 5		Claim 5	Same		
Claim 6		Claim 6	Same		
Claim 7		Claim 7	Same		
Claim 8 (Canceled)		Claim 8 (Canceled)	Canceled		
Claim 9		Claim 9	Same		
Cłaim 10		Claim 10	Same		
Claim 11 (Canceled	i)	Claim 11 (Canceled)	Canceled		
Claim 12		Claim 12	Same		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					

/David G. Posz/

David G. Posz

Signature

VERIFICATION OF TRANSLATION

Re: U.S. Patent Application No. 13/000,634

I, Hiroko Yamagiwa, of Kitahama TNK Building,	
7-1, Dosho-machi 1-chome, Chuo-ku, Osaka-shi,	
Osaka 541-0045, Japan	
hereby declare that I am the translator of the claims of	ť
PCT/JP2009/063355 attached and certify that the following	ıg
is true translation to the best of my knowledge and belie:	f.

Signature of translator Winds Ymryn

Hiroko Yamagiwa

Dated this $14^{\rm th}$ day of July, 2011

English Translation of PCT Article 34 Amendment Claims (PCT/JP2009/063355)

[Claim 1] (Amended)

A planar body comprising a mesh-like electrode formed in a mesh shape with multiple conductor lines on one side of a substrate,

wherein the mesh-like electrode is separated into multiple conductive areas disposed at intervals and non-conductive areas formed in a mesh shape, and each disposed between the adjacent conductive areas,

each non-conductive area has multiple cutting portions that cut the conductor lines and thereby ensures insulation, and

each non-conductive area insulates between the adjacent conductive areas by the cutting portions.

[Claim 2]

The planar body according to claim 1, wherein the cutting portions are formed at intersections of the conductor lines of the mesh-like electrode.

[Claim 3]

The planar body according to claim 1, wherein the mesh pitch of the mesh-like electrode is 100 μm to 1,000 μm . [Claim 4]

The planar body according to claim 1, wherein the conductive areas have at least one cutting portion that cuts the conductor lines without interfering with the conductivity between the ends of each conductive area.

[Claim 5] (Amended)

A capacitive touch switch comprising a plurality of the planar bodies recited in claim 1,

wherein the planar bodies are laminated and bonded together via an adhesive layer.

[Claim 6]

The capacitive touch switch according to claim 5, wherein the conductive areas formed on one planar body are disposed to perpendicularly intersect the conductive areas formed on a different planar body.

[Claim 7] (Amended)

A touch switch mounted to a front side of a display unit, the touch switch comprising:

a substrate;

multiple first electrodes formed on one side of the substrate and arranged at certain intervals; and

multiple second electrodes formed on the other side of the substrate and arranged at certain intervals to form a grid pattern with the multiple first electrodes,

wherein each of the first and second electrodes forms a mesh structure with multiple conductor lines,

the touch switch comprises first auxiliary lines formed between the first electrodes on the one side, and second auxiliary lines formed between the second electrodes on the other side, and

a grid pattern with equal intervals is formed by the conductor lines of the first electrodes, the first auxiliary lines, the conductor lines of the second electrodes, and the second auxiliary lines.

[Claim 8] (Canceled)

[Claim 9] (Amended)

The touch switch according to claim 7, wherein the conductor lines of the first electrodes, the first auxiliary lines, or both of them formed on the one side of the substrate form continuous lines with the conductor lines of the second electrodes, the second auxiliary lines, or both of them formed on the other side of the substrate.

[Claim 10] (Amended)

A touch switch comprising:

a first substrate;

a second substrate disposed facing the first substrate; multiple first electrodes formed on the first substrate, specifically on a side facing the second substrate, and arranged at certain intervals;

and multiple second electrodes formed on the second substrate, specifically on a side away from the first substrate, and arranged at certain intervals to form a grid pattern with the multiple first electrodes,

wherein each of the first and second electrodes form a mesh structure with multiple conductor lines,

the touch switch comprises first auxiliary lines formed between the first electrodes on the first substrate, specifically on the side facing the second substrate, and second auxiliary lines formed between the second electrodes on the second substrate, specifically on the side away from the first substrate; and

a grid pattern with equal intervals is formed by the conductor lines of the first electrodes, the first auxiliary lines, the conductor lines of the second electrodes, and the second auxiliary lines.

[Claim 11] (Canceled)

[Claim 12] (Amended)

The touch switch according to claim 10, wherein the conductor lines of the first electrodes, the first auxiliary lines, or both of them formed on the first substrate form continuous lines with the conductor lines of the second electrodes, the second auxiliary lines, or both of them formed on the second substrate.

日本国特許庁 13.4.2010

請求の範囲

[請求項1] (補正後) 複数の導体線によって網目状に形成される網目状電極を基板の一方面に備える面状体であって、

前記網目状置極は、

間隔をあけて配置される複数の導電部領域と、

網目状に形成され、前記各導電部領域の間に配置される非導電部領域と

に区画されており、

前記非導電部領域は、前記導体線を切断する複数の切断部を備えることによって絶縁性が確保されており、

前記切断部によって前記非導電部領域は、隣接する前記導電部領域間を絶縁する面状体。

[請求項2] 前記切断部は、前記網目状電極の交差部に形成されている請求項1に記載の面状体。

[請求項3] 前記網目状電極の網目ピッチは、100 μ m~1000 μ mである請求項1 に記載の面状体。

[請求項4] 前記導電部領域は、両端部間の導通性を阻害しない範囲で前記導体線 を切断する切断部を備える請求項1に記載の面状体。

[請求項5] (補正後) 請求項1に記載の面状体を複数備え、 前配各面状体は、粘着層を介して積層して貼着される静電容量式のタッ チスイッチ。

[請求項6] 一方の面状体における前記導電部領域と、他方の面状体における前記 導電部領域とが、互いに直交するように配置されている請求項5に記載の 静電容量式のタッチスイッチ。

[請求項7] (補正後) 基板と、

前記基板の一面に形成され、一定間隔で並べられた複数の第1電極と、 前記基板の他面に形成され、一定間隔で並べられ、前記複数の第1電極 とで格子状になる複数の第2電極と、を備え、ディスプレイの前面に取り付 けられるタッチスイッチであって、 前記第1電極と第2電極がそれぞれ複数の導体線によって網目を形成しており、

前記一面において、第1電極同士の間に形成された第1補助線と、 前記他面において、第2電極同士の間に形成された第2補助線と、を備え

前記第1電極の導体線、第1補助線、第2電極の導体線、第2補助線によって線の間隔が均等な1つの格子形状を形成したタッチスイッチ。

[請求項8] (削除)

[請求項9] (補正後) 前記基板の一面に形成された第1電極の導体線、第1補助線、 またはその両方は、基板の他面に形成された第2電極の導体線、第2補助 線、またはその両方とで1本の線状を形成した請求項7のタッチスイッチ。

[請求項10] (補正後) 第1基板と、

前記第1基板と対向する第2基板と、

前記第1基板において、第2基板との対向面に形成され、一定間隔で並べられた複数の第1電極と、

前記第2基板において、第1基板との反対面に形成され、一定間隔で並べられ、前記複数の第1電極とで格子状になる複数の第2電極と、を備えるタッチスイッチであって、

前記第1電極と第2電極がそれぞれ複数の導体線によって網目を形成しており。

前記第1基板における対向面において、第1電極同士の間に形成された 第1補助線と、

前記第2基板における反対面において、第2電極同士の間に形成された 第2補助線と、を備え、

前記第1電極の導体線、第1補助線、第2電極の導体線、第2補助線によって線の間隔が均等な1つの格子形状を形成したタッチスイッチ。

[請求項11] (削除)

[請求項12] (補正後) 前記第1基板に形成された第1電極の導体線、第1補助線、またはその両方は、第2基板に形成された第2電極の導体線、第2補助線、またはその両方とで1本の線状を形成した請求項10のタッチスイッチ。



United States Patent and Trademark Office

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ſ	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	13/000,634	12/22/2010	Katsumasa Kono	53-030-TN	5427
	POSZ LAW G	•	I	ЕХАМ	INER
	SUITE 101	LAKES DRIVE		ART UNIT	PAPER NUMBER
	RESTON, VA	20191		2629	
					·
				NOTIFICATION DATE	DELIVERY MODE
				08/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailbox@poszlaw.com lwebbers@poszlaw.com dposz@poszlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON VA 20191

In re Application of

KONO et al.

Application No.: 13/00,634 Filed: 22 December 2010

Attorney Docket No.: 53-030-TN

For: PLANAR ELEMENT, AND

TOUCH SWITCH

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 27 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2600

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

•			ON TREATY - PATENT PROSECUTION ION WHERE THE USPTO WAS THE				
Application No:	13000644	Filing date:	2010-12-22				
First Named Inventor:	Jeevak M. Parpia						
Title of the Invention:	OR MAKING A TRANSDUCER, TRANSDU	CER MADE	THEREFROM, AND APPLICATIONS THEREOF				
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGF I/EB. INFORMATION REGARDING EFS-WEB IS GOV/EBC/EFS_HELP.HTML		· · · · · · · · · · · · · · · · · · ·				
	Y REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC1						
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
	PCT/US2009/048750						
The corresponding P application number(s							
The international date PCT application(s) is	e of the corresponding s/are:						
26 June 2009 (26.06.2009)						
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.							

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

			N IN THE PCT-PPH PILOT		
	N A U. PEA	O. APPLICATION WHE	RE THE USPTO WAS TH (continued)	IE IOA UK	
Application No.:	13000)644	(continued)		
First Named Inventor:		·			
	, WO/IP	disclosure statement listi EA, IPER) of the correspo		international work products (ISR,	
Has already been filed in the above-identified U.S. application on					
	of all do tached.	cuments (except) for U.S.	patents or U.S. patent applica	ation publications)	
Have a	already b	peen filed in the above-iden	tified U.S. application on		
II. Claims Corre	snonde	ance Table:			
III. Glainis Gone	эропис				
Claims in US Application Patentable Claims in the corresponding PCT Application			Explanation regarding the cor	respondence	
1-37		1-37	Novelty	and Inventive Step	
1-37		1-37	Indus	trial Applicability	
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Signature/Willia	ım Gı	reener/		Date 2011-01-20	
				Date 2011-01-20	
Name (Print/Typed) William Greener				Registration Number 38165	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,644	12/22/2010	Jeevak M. Parpia	606P013B (US)	5486
	7590 03/08/2011 DENECK & KING, PLLC		EXAM	IINER
10 BROWN R ITHACA, NY	OAD, SUITE 201 14850-1248		ART UNIT	PAPER NUMBER
	·		2833	
		,		
			MAIL DATE	DELIVERY MODE
			03/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BOND, SCHOENECK & KING, PLLC 10 BROWN ROAD, SUITE 201 ITHACA NY 14850-1248

In re Application of

PARPIA et el.

Application No.: 13/000,644

Filed: 22 December 2010

Attorney Docket No.: 606P013B (US) For: METHOD FOR MAKING A

TRANSDUCER, TRANSDUCER MADE

THEREFROM, AND APPLICATIONS

THEREOF

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 20 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the latest international work product from the PCT application. The instant application file contains a partial copy (pages 2 and 3) of the International Search Report (ISA/210) but does not contain a copy of the Written Opinion (ISA/237).

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description:

Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Name: Jeevak M. Parpia Docket No. 606P013B

Filed: December 22, 2010 Ser. No. 13/000,644

Art Unit: 2833 Confirmation No. 5486

REPLY TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(A)

Commissioner For Patents PO Box 1450 Alexandria VA 22313-1450

Dear Sir:

In response to the decision dated March 8, 2011, Applicant/Petitioner submits the following:

Regarding Item 6, submitted herewith is a complete copy of the international work product as well as a copy of the Written Opinion (ISA/237).

1

1820021.1 3/14/2011

Remarks

In view of the foregoing response and accompanying documents, Applicant's Petition is now believed to be in order and the Commissioner reconsideration is respectfully requested. Further, applicant does not believe there are any fees associated with this request, but if so, please charge any deficiencies to Deposit Account No. 50-1546.

Respectfully submitted,

Date: March 14, 2011

/William Greener/
William Greener
Reg. No. 38,165
Attorneys for Applicant

BOND, SCHOENECK & KING, PLLC One Lincoln Center Syracuse, NY 13202

Telephone: (315) 218-8515 Telefax: (315) 218-8100



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,644	12/22/2010	Jeevak M. Parpia,	606P013B (US)	5486
	7590 04/26/2011 ENECK & KING, PLLC OAD, SUITE 201		EXAMI	NER
ITHACA, NY			ART UNIT	PAPER NUMBER
			2833	
			MAIL DATE	DELIVERY MODE
			04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BOND, SCHOENECK & KING, PLLC 10 BROWN ROAD, SUITE 201 ITHACA NY 14850-1248

In re Application of

PARPIA et el.

Application No.: 13/000,644

Filed: 22 December 2010

Attorney Docket No.: 606P013B (US)

For: METHOD FOR MAKING A TRANSDUCER, TRANSDUCER MADE

THEREFROM, AND APPLICATIONS

THEREOF

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 20 January 2011 and renewed on 14 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII:
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA 13000650 2010-12-22 Application No: Filing date: Jeevak M. Parpia First Named Inventor: CMOS INTEGRATED MICROMECHANICAL RESONATORS AND METHODS FOR FABRICATING THE SAME Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. PCT/US2009/048835 The corresponding PCT application number(s) is/are: The international date of the corresponding PCT application(s) is/are: 26 June 2009 (26.06.2009) I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is <u>not</u> attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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	REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM N A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR				
"	PEA		(continued)		
Application No.:	13000	0650			
First Named Inventor: Jeevak M. Parpia					
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on					
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached.					
Ⅰ		peen filed in the above-iden	ntified U.S. application on		
II. Claims Corre	sponde	ence Table:			
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence		respondence			
1-46		1-46	Novelty	and Inventive Step	
1-46		1-46	Indus	trial Applicability	
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Signature/Willia	ım Gı	reener/		Date 2011-1-26	
				Date 2011-1-26	
Name (Print/Typed) William Greener			Registration Number 38165		

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,650	12/22/2010	Jeevak M. Parpia	606P014B (US)	5524
	7590 03/08/2011 ENECK & KING, PLLC OAD, SUITE 201		EXAM	INER
ITHACA, NY			ART UNIT	PAPER NUMBER
			2811	
·				
			MAIL DATE	DELIVERY MODE
			03/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the latest international work product from the PCT application. The instant application file contains a partial copy (pages 2 and 3) of the International Search Report (ISA/210) but does not contain a copy of the Written Opinion (ISA/237).

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Name: Jeevak M. Parpia Docket No. 606P014B

Filed: December 22, 2010 Ser. No. 13/000,650

Art Unit: 2811 Confirmation No. 5524

REPLY TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(A)

Commissioner For Patents PO Box 1450 Alexandria VA 22313-1450

Dear Sir:

In response to the decision dated March 8, 2011, Applicant/Petitioner submits the following:

Regarding Item 6, submitted herewith is a complete copy of the international work product as well as a copy of the Written Opinion (ISA/237).

1

1820095.1 3/14/2011

Remarks

In view of the foregoing response and accompanying documents, Applicant's Petition is now believed to be in order and the Commissioner reconsideration is respectfully requested. Further, applicant does not believe there are any fees associated with this request, but if so, please charge any deficiencies to Deposit Account No. 50-1546.

Respectfully submitted,

Date: March 14, 2011

/William Greener/
William Greener
Reg. No. 38,165
Attorneys for Applicant

BOND, SCHOENECK & KING, PLLC One Lincoln Center Syracuse, NY 13202

Telephone: (315) 218-8515 Telefax: (315) 218-8100

2 1820095.1 3/14/2011



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,650	12/22/2010	Jeevak M. Parpia	606P014B (US)	5524
BOND, SCHOI	7590 04/26/2011 ENECK & KING, PLLC		EXAM	INER
ITHACA, NY	DAD, SUITE 201 14850-1248		ART UNIT	PAPER NUMBER
·			2811	
			MAIL DATE	DELIVERY MODE
			04/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BOND, SCHOENECK & KING, PLLC 10 BROWN ROAD, SUITE 201 ITHACA NY 14850-1248

In re Application of

PARPIA et el.

Application No.: 13/000,650 Filed: 22 December 2010

Attorney Docket No.: 606P014B (US)

For: CMOS INTEGRATED

MICROMECHANICAL RESONATORS

AND METHODS FOR FABRICATING

THE SAME

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 26 January 2011 and renewed on 14 March 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has now provided the Written Opinion but has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion.

No further consideration of this matter will be undertaken.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PORTER WRIGHT MORRIS & ARTHUR, LLP INTELLECTUAL PROPERTY GROUP 41 SOUTH HIGH STREET 28TH FLOOR COLUMBUS, OH 43215

MAILED
MAY 0.4 2011
PCT LEGAL ADMINISTRATION

In re Application of LINDGREN et al :

U.S. Application No.: 13/000,708

PCT Application No.: PCT/SE2009/050863

Int. Filing Date: 02 July 2009

Priority Date Claimed: 02 July 2008 Attorney Docket No.: 4007620-185581

For: ON-LINE MEASURING SYSTEM OF

BODY SUBSTANCES

DECISION

This is in response to applicant's request under 37 CFR 1.497(d) filed 25 February 2011.

BACKGROUND

On 02 July 2009, applicant filed international application PCT/SE2009/050863, which claimed priority of an earlier Sweden application filed 02 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 07 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 03 January 2011.

On 22 December 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 January 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 February 2011, applicant filed the present request under 37 CFR 1.497(d).

Application Number: 13/000,708

DISCUSSION

The petition states that Gerhard Jobst should be added as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has not been provided.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is <u>DISMISSED</u> without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional processing fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Byan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

•		THE JAPA	ON TREATY - PATENT PROSECUTION AN PATENT OFFICE (JPO) AND THE			
Application No:	13/000,744	Filing date:	December 22, 2010			
First Named Inventor:	Takahiro YAMAKAWA					
Title of the Invention: PNEUMA	ATIC TIRE					
SUBMITTED VIA EFS-W	RTICIPATION IN THE PCT-PPH PILOT PROGREB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PCAPPLICATION SPECIAL UNDER THE					
of another PCT application domestic/ foreign priority priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
	The corresponding PCT application number(s) is/are: PCT/JP2009/061240					
The international date PCT application(s) is	e of the corresponding slare: June 19, 2009					
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.						
Is <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.			
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 						
Is <u>not</u> attach	Is <u>not</u> attached because the document is already in the U.S. application.					
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.						

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

R	REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO (continued)					
Application No.:	13/00	0,744				
First Named Inventor:	Taka	hiro YAMAKAWA				
WO/ISA, Is attac Has alr (2) Copies o Are atta	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on December 22, 2010 (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 22, 2010					
II. Claims Corres	sponde	nce Table:				
Claims in US Applic	cation	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence			
1		1	Claim 1 of the US application corresponds to the claim 1 of the PCT Application.			
2		2	Claim 2 of the US application corresponds to the claim 2 of the PCT Application.			
3		3	Claim 3 of the US application corresponds to the claim 3* of the PCT Application.			
4		4	Claim 4 of the US application corresponds to the claim 4 of the PCT Application.			
5		3	Claim 5 of the US application corresponds to the claim 3* of the PCT Application.			
6		4	Claim 6 of the US application corresponds to the claim 4 of the PCT Application.			
corresponding P	РСТ ар	plication. *Claim 3 is a multiple d	ently correspond to the patentable claims in the ependent claim in the corresponding PCT application, and claim 4 depends from claim 3 in the PCT application. inventive step and industrial applicability in the latest work product (attached herewith) of the PCT application.			

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2009/061240

A. CLASSIFICATION OF SUBJECT MATTER B60C11/12(2006.01)i, B60C11/01(2006.01)i, B60C11/11(2006.01)i					
According to International Patent Cla	assification (IPC) or to both nationa	l classification and IPC			
B. FIELDS SEARCHED					
Minimum documentation searched (d B60C11/12, B60C11/01		assification symbols)			
Jitsuyo Shinan Koho Kokai Jitsuyo Shinan	1922–1996 Ji: Koho 1971–2009 To:	ent that such documents are included in the tsuyo Shinan Toroku Koho roku Jitsuyo Shinan Koho data base and, where practicable, search	1996–2009 1994–2009		
C. DOCUMENTS CONSIDERED	TO BE RELEVANT		T		
Category* Citation of do	ocument, with indication, where app	propriate, of the relevant passages	Relevant to claim No.		
07 August, Full text & US 65718 & JP 2001- & JP 2001- & JP 2001- 207 August, Full text & US 65718 & JP 2001- & JP 2001- & JP 2001- & JP 2001-	-030720 A & JP -213122 A & JP -246911 A 13122 A (Bridgeston 2001 (07.08.01), 344 B1 & EP -030720 A & JP -213121 A & JP -246911 A	1070606 A2 2001-063321 A 2001-213123 A e Corp.),	1-4		
× Further documents are listed in	the continuation of Box C.	See patent family annex.			
** Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means document published prior to the international filing date but later than the priority date claimed Date of the actual completion of the international search O1 September, 2009 (01.09.09) "Date of service of claimed invention in the priority date document is after an oral disclosure, use, exhibition or other means document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art document member of the same patent family Date of the actual completion of the international search 01 September, 2009 (01.09.09) O2 September, 2009 (01.09.09)					
Name and mailing address of the ISA Japanese Patent O		Authorized officer			
Eggimila No		Telephone No			

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/061240

C (Continuation	a). DOCUMENTS CONSIDERED TO BE RELEVANT	
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2000-006618 A (Bridgestone Corp.), 11 January, 2000 (11.01.00), Full text & US 6427737 B1 & EP 952011 A2 & JP 2000-006619 A	1-4
A	<pre>JP 2006-298055 A (Bridgestone Corp.), 02 November, 2006 (02.11.06), Full text (Family: none)</pre>	1-4
A	JP 2004-025954 A (The Yokohama Rubber Co., Ltd.), 29 January, 2004 (29.01.04), Full text & US 2003/0234065 A1 & EP 1375198 A1	1-4
P, A	JP 2009-073327 A (The Yokohama Rubber Co., Ltd.), 09 April, 2009 (09.04.09), Full text & US 2009/0078351 A1 & EP 2039535 A1 & CN 101391561 A	1-4

A. 発明の属する分野の分類(国際特許分類(IPC))

Int.Cl. B60C11/12 (2006.01) i, B60C11/01 (2006.01) i, B60C11/11 (2006.01) i

B. 調査を行った分野

調査を行った最小限資料(国際特許分類(IPC))

Int.Cl. B60C11/12, B60C11/01, B60C11/11

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報1922-1996年日本国公開実用新案公報1971-2009年日本国美用新案登録公報1996-2009年日本国登録実用新案公報1994-2009年

国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

C. 関連すると認められる文献

引用文献の カテゴリー *	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号
A	JP 2001-213121 A (株式会社ブリヂストン) 2001.08.07, 文献全体 & US 6571844 B1 & EP 1070606 A2 & JP 2001-030720 A & JP 2001-063321 A & JP 2001-213122 A & JP 2001-213123 A & JP 2001-246911 A	1-4
A	JP 2001-213122 A (株式会社ブリヂストン) 2001.08.07, 文献全体 & US 6571844 B1 & EP 1070606 A2 & JP 2001-030720 A & JP 2001-063321 A & JP 2001-213121 A & JP 2001-213123 A & JP 2001-246911 A	1-4

☑ C欄の続きにも文献が列挙されている。

パテントファミリーに関する別紙を参照。

* 引用文献のカテゴリー

- 「A」特に関連のある文献ではなく、一般的技術水準を示す もの
- 「E」国際出願日前の出願または特許であるが、国際出願日 以後に公表されたもの
- 「L」優先権主張に疑義を提起する文献又は他の文献の発行 日若しくは他の特別な理由を確立するために引用す る文献(理由を付す)
- 「O」ロ頭による開示、使用、展示等に言及する文献
- 「P」国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

- 「T」国際出願日又は優先日後に公表された文献であって 出願と矛盾するものではなく、発明の原理又は理論 の理解のために引用するもの
- 「X」特に関連のある文献であって、当該文献のみで発明 の新規性又は進歩性がないと考えられるもの
- 「Y」特に関連のある文献であって、当該文献と他の1以 上の文献との、当業者にとって自明である組合せに よって進歩性がないと考えられるもの
- 「&」同一パテントファミリー文献

国際調査を完了した日 01.09.2009 国際調査報告の発送日 国際調査機関の名称及びあて先日本国特許庁(ISA/JP)郵便番号100-8915東京都千代田区霞が関三丁目4番3号 特許庁審査官(権限のある職員)上坊寺宏枝電話番号 03-3581-1101 内線 3430

国際調査報告

引用文献の カテゴリー*		関連する 請求項の番号
A	JP 2000-006618 A (株式会社ブリヂストン) 2000.01.11, 文献全体 & US 6427737 B1 & EP 952011 A2 & JP 2000-006619 A	1-4
A	JP 2006-298055 A (株式会社ブリヂストン) 2006.11.02, 文献全体 (ファミリーなし)	1-4
A	JP 2004-025954 A(横浜ゴム株式会社)2004.01.29,文献全体 & US 2003/0234065 A1 & EP 1375198 A1	1-4
Р, А	JP 2009-073327 A(横浜ゴム株式会社)2009.04.09,文献全体 & US 2009/0078351 A1 & EP 2039535 A1 & CN 101391561 A	1-4

VERIFICATION OF TRANSLATION

I, the below named translator, hereby declare that:

My name and address are as stated below;

That I am knowledgeable in the English language and the Japanese language and that I believe the hereto attached English translation is an accurate translation of claims 1 to 4 of the PCT application(application NO.PCT/JP2009/061240) which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 14, 2010.

Full name of the translator: Takayoshi HIRUMA, Patent Attorney

Signature of the translator: Takayozhi Hiruma

Post Office Address: c/o SEIRYU International Patent Office,

37 KOWA Building, 4-5, Tsukiji 1-chome,

Chuo-ku, Tokyo 104-0045 JAPAN

English translation of the claims of PCT/JP2009/061240

For SYT-117-A

What is claimed is:

[Claim 1] A pneumatic tire whose rotational direction is specified as one direction, the pneumatic tire having a tread surface provided with a plurality of circumferential-direction grooves each extending in a tire circumferential direction, and with lateral grooves each extending in a tire widthwise direction, and being arranged in the tire circumferential direction at a predetermined pitch thereby to include a rib formed on a tire equatorial plane in the tread surface and demarcated by the circumferential-direction grooves, and blocks formed in shoulder regions in the tread surface and demarcated by the circumferential-direction grooves and the pneumatic tire provided lateral grooves, the with three-dimensionally shaped sipes extending in the tire widthwise direction and arranged in the tire circumferential direction at predetermined intervals in the rib and each block, wherein

the sipes provided in the rib are each formed in such a three-dimensional shape that an amount at which the rib collapses when an external force in the tire circumferential direction acts on the rib is smaller in the tire rotational direction than in a direction opposite to the tire rotational direction;

the sipes provided in each block include sipes provided in a block tread-in side portion situated in a side of the block in the tire rotational direction, and sipes provided in a block kick-out side portion situated in a side of the block in the direction opposite to the tire rotational direction;

the sipes in the block tread-in side portion are each formed in such a three-dimensional shape that an amount at which

the block, if entirely provided with the sipes, collapses when an external force in the tire circumferential direction acts on the block will be smaller in the tire rotational direction than in the direction opposite to the tire rotational direction; and

the sipes in the block kick-out side portion are each formed in such a three-dimensional shape that an amount at which the block, if entirely provided with the sipes, collapses when an external force in the tire circumferential direction acts on the block will be smaller in the direction opposite to the tire rotational direction than in the tire rotational direction.

[Claim 2] The pneumatic tire according to claim 1, wherein the intervals at which the sipes are provided in the rib are narrower than the intervals at which the sipes are provided in each block.

[Claim 3] The pneumatic tire according to any one of claims 1 and 2, wherein:

each sipe is made up of paired left and right sipe portions separated from each other in the tire widthwise direction; and

separating portions are arranged in a staggered pattern in the tire circumferential direction.

[Claim 4] The pneumatic tire according to claim 3, wherein a length Lw of each separating portion in the tire widthwise direction is 2 to 20% of a length Ls of the corresponding sipe in the widthwise direction.

請求の範囲

[請求項1]

トレッド面にタイヤ周方向に延在する複数の周方向溝を設ける一方 、タイヤ幅方向に延びる横溝をタイヤ周方向に所定のピッチで配置し 、トレッド面のタイヤ赤道面上に周方向溝により区分されたリブを形 成し、トレッド面のショルダー領域に周方向溝と横溝により区画され たブロックを形成し、リブ及び各ブロックにタイヤ幅方向に延在する 3次元形状のサイプをタイヤ周方向に所定の間隔で配置した、タイヤ 回転方向が一方向に指定された空気入りタイヤにおいて、リブに設け たサイプを、タイヤ周方向の外力がリブに作用した時のリブの倒れ込 み量がタイヤ回転方向一方向に倒れ込む量の方がタイヤ回転方向他方 向に倒れ込む量より小さくなる3次元形状に構成し、ブロックに設け たサイプは、ブロックのタイヤ回転方向一方向側に位置するブロック 踏み込み側部に設けたサイプと、ブロックのタイヤ回転方向他方向側 に位置するブロック蹴り出し側部に設けたサイプを有し、ブロック踏 み込み側部のサイプを、該サイプをブロック全体に設けた際にタイヤ 周方向の外力がそのブロックに作用した時のブロック倒れ込み量がタ イヤ回転方向一方向に倒れ込む量の方がタイヤ回転方向他方向に倒れ 込む量より小さくなる3次元形状に構成し、ブロック蹴り出し側部の サイプを、該サイプをブロック全体に設けた際にタイヤ周方向の外力 がそのブロックに作用した時のブロック倒れ込み量がタイヤ回転方向 一方向に倒れ込む量よりタイヤ回転方向他方向に倒れ込む量の方が小 さくなる3次元形状に構成した空気入りタイヤ。

[請求項2]

リブに設けたサイプの間隔をブロックに設けたサイプの間隔より狭くした請求項1に記載の空気入りタイヤ。

「請求項3]

各サイプがタイヤ幅方向に離間する左右一対のサイプ部から構成され、離間する部分がタイヤ周方向に千鳥状に配置される請求項1または2に記載の空気入りタイヤ。

「請求項4〕

離間する部分のタイヤ幅方向長さLwがサイプの幅方向長さLsの

2~20%である請求項3に記載の空気入りタイヤ。



United States Patent and Trademark Office

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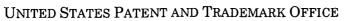
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,744	12/22/2010	Takahiro Yamakawa	SYT-117-A	6188
21828 CARRIER BL.	7590 04/12/2011 ACKMAN AND ASSOCIA	EXAMINER		
43440 WEST TEN MILE ROAD EATON CENTER NOVI, MI 48375			ART UNIT	PAPER NUMBER
			1747	
		2	NOTIFICATION DATE	DELIVERY MODE
			04/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com cbalaw@ameritech.net wblackman@ameritech.net





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

WG

April 11, 2011

In re application of

Takahiro Yamakawa Serial No. 13/000,744

Filed: December 22, 2010

For: PNEUMATIC TIRE

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**. (It is noted that applicant has not supplied a copy of the latest international work product (WO/ISA, WO/IPEA, or IPER). However, since the latest work product is available from WIPO, this petition has been granted. The applicant is encouraged to supply such documents in the future.)

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 13/000,744

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700 Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO Application No: Filing date: 13/000,763 December 22, 2010 First Named Inventor: CARMON Rafy Title of the Title of the Invention: DYNAMICALLY CONTROLLING A FEMTOCELL BASE STATION DOWNLINK RANGE FOR INTERFERI THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. PCT/IB2010/051768 The corresponding PCT application number(s) is/are: The international date of the corresponding PCT application(s) is/are: April 22, 2010 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO						
		(continued)				
Application No.:	13/000,763					
First Named Inventor:	CARMON Rafy					
Is atta	A, WO/IPEA, IPER) of the corresp ached					
✓ Has al	fready been filed in the above-ider	entified U.S. application on December 22, 2010				
Are att	ttached.	.S. patents or U.S. patent application publications)				
✓ Have a	already been filed in the above-ide	entified U.S. application on December 22, 2010				
II. Claims Corre	spondence Table:					
Claims in US Applie	ication Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence				
1-27	1-27					
	:					
III. All the claims corresponding P	in the US application suffici CT application.	iently correspond to the patentable claims in the				
	* 110					
Signature	$\Delta . V V$	Date December 22, 2010				
Name Toud A (Print/Typed)	. Vaughn	Registration Number 52,319				



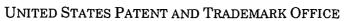
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,763	12/22/2010	Rafy Carmon	708-0003	6413
60803 7590 04/28/2011 SHERR & VAUGHN, PLLC 620 HERNDON PARKWAY SUITE 320 HERNDON, VA 20170			EXAMINER	
			ART UNIT	PAPER NUMBER
			2617	
•			MAIL DATE	DELIVERY MODE
			04/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





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MAIL

SHERR & VAUGHN, PLLC 620 HERNDON PARKWAY SUITE 320 HERNDON VA 20170

APR 28 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of

CARMON, RAFY et al Application No. 13/000,763 Filed: December 22, 2010 Attorney Docket No. 708-0003 DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 22, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition is deficient as follows:

Petitioner has not complied with item 2 above.

Regarding item 2, a copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability has not been filed. Only a copy of the ISA/210 has been filed. This document does not indicate at least one claim in the PCT application which has novelty, inventive step, and industrial applicability.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik Quality Assurance Specialist Technology Center 2600 Communications

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

REISING ETHINGTON P.C. P O BOX 4390 TROY MI 48099-4390

MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of

MEIDAR, Moshe Israel, et al.

Application No.: 13/000,770 :

PCT No.: PCT/EP2009/004746

Int. Filing Date: 01July 2009

Priority Date: 03 July 2008 Docket No.: 7619.3017.001

For: MACHINING INSTALLATION FOR

WORKPIECES

NOTIFICATION

OF A

DEFECTIVE RESPONSE

This decision responds to applicants' Response to the Notification of Missing Requirements, filed 10 February 2011. It is being treated as a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements.

BACKGROUND

On 22 December 2010, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26ter during the international phase.

On 02 February 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that the 4.17 declaration did not identify the international application to which it was directed and that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 10 February 2011, applicants filed a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements.

DISCUSSION

Applicants supplied a declaration within the time limit of PCT Rule 26ter, but it did not comply with PCT Rule 26ter. The declaration that applicants furnished reads "this declaration is directed to international application No. PCT/.....(if furnishing declaration pursuant to Rule 26ter)." As this declaration was not properly completed prior to execution by the inventor, it does not comply with 37 CFR 1.497(a)-(b). It fails to identify the international application to which it was directed.

The declaration was executed by the inventors on 15 July 2009, 28 August 2009 and 12 August 2009. It did not form a part of the international application filed on 01 July 2009. The

declaration was furnished under PCT Rule 26ter, but did not comply with the rule. An oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

Applicants' petition under 37 CFR 1.181 to accept the Rule 4.17 declaration and vacate the Notification of Missing Requirements is **DISMISSED** without prejudice.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE** (1) **MONTH** from the mail date of this Notification. Failure to timely respond will result in the abandonment of this application. No extension of this time limit may be granted under 37 CFR 1.136(a). However, extensions of time are available on the time period for response set in the Notification of Missing Requirements mailed 02 February 2011.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

i

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

REISING ETHINGTON P.C. P O BOX 4390

MAILED

TROY MI 48099-4390

AUG U 9 2011

In re Application of

MEIDAR, Moshe Israel, et al.

PCT LEGAL ADMINISTRATION

Application No.: 13/000,770

PCT No.: PCT/EP2009/004746

Int. Filing Date: 01 July 2009

DECISION

Priority Date: 03 July 2008 Docket No.: 7619.3017.001

For: MACHINING INSTALLATION FOR

WORKPIECES

This decision responds to applicants' Response to the Notification of Defective Response, filed in the United States Patent and Trademark Office on 09 June 2011.

BACKGROUND

On 13 May 2011, the Office mailed Notification of Defective Response, requiring an oath or declaration of the inventors within one month of the notice or within the time remaining on the 02 February 2011 Notification of Missing Requirements.

On 09 June 2011, applicants filed a petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements.

DISCUSSION

The 09 June 2011 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone:

571-272-3292



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Oliff & Berridge, PLC P.O. Box 320850 Alexandria, VA 22320-4850

MAILED

AUG 15 2011

PCT LEGAL ADMINISTRATION

In re Application of

MITSUTANI, Noritake

U.S. Application No.: 13/000,772

PCT No.: PCT/JP2008/072313

International Filing Date: 09 December 2008

Priority Date: None

Attorney's Docket No.: 148074

For: POWER SUPPLY SYSTEM OF VEHICLE

DECISION

This decision is issued in response to applicant's "Request to Vacate Notice of Acceptance and Official Filing Receipt" filed 22 March 2011. Applicant's request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 09 December 2008, applicant filed international application PCT/JP2008/072313. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 June 2010. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 June 2011.

On 22 December 2010, applicants filed a transmittal letter (Form PTO-1390) for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; an executed declaration; and an application data sheet. The Transmittal Letter did not include an express request to begin national examination procedures.

On 26 January 2011, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 22 December 2010. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 22 December 2010.

DISCUSSION

As set forth above, applicants here never made an express request to begin national examination procedures. Accordingly, national examination of this application should not have commenced until thirty months after the international filing date, i.e., 09 June 2011. The Notification of Acceptance mailed on 26 January 2011, being as it was prepared

Application No. 13/000,772

prematurely, is therefore appropriately vacated.

CONCLUSION

Applicants' request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is <u>GRANTED</u>.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt mailed on 26 January 2011 are hereby <u>VACATED</u>.

The application has an international filing date of 09 December 2008 under 35 U.S.C. 363 and a date of 09 June 2011 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 09 June 2011 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 09 June 2011.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BAKER DONELSON BEARMAN, CALDWELL & BERKOWITZ, PC 920 MASSACHUSETTS AVE., NW SUITE 900 WASHINGTON DC 20001

Applicant: Christa Mueller et al

Appl. No.: 13/000,780

International Filing Date: June 29, 2009 Title: ADENINE RECEPTOR LIGANDS Attorney Docket No.: 2916916-002000

Pub. No.: US20110288106 A1 Pub. Date: November 24, 2011 **MAILED**

MAR 15 2012

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication which is being treated under 37 CFR 1.221(b), received on January 12, 2012, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the assignee's name.

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. ¹

The error on the front page of the publication wherein the assignee's name is incorrect is <u>not</u> material Office error as required under 37 CFR 1.1221(b). The assignee's name provided on the Application Data Sheet (ADS) upon filing of the application was published. Furthermore, the error in the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No.: 13/000,780 Page 2

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff Petitions Examiner Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

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BRINKS, HOFER, GILSON & LIONE P.O. BOX 110285 RESEARCH TRIANGLE PARK NC 27709

In re Application of:

PAULINI, Ralph, et al.

U.S. Application No.: 13/000,814 PCT No.: PCT/EP2009/057650

International Filing Date: 19 June 2009

Priority Date: 23 June 2008

Attorney's Docket No.: 13779-645

For: SULFOXIMINAMIDE

COMPOUNDS FOR COMBATING

ANIMAL PESTS

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' 31 March 2011 submission of a declaration executed on behalf of deceased inventor Hassan OLOUMI-SADEGHI. The submission is considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 19 June 2009, applicants filed international application PCT/EP2009/057650. The international application claimed a priority date of 23 June 2008, and it designated the United States. On 30 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 December 2010.

On 22 December 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee

On 04 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 31 March 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the surviving inventors and on behalf of deceased inventor Hassan OLOUMI-SADEGHI by Gale F. MATTHEWS, identified on the declaration as "Assistant Secretary." The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed on 31 March 2011 indicates that co-inventor Hassan OLOUMI-SADEGHI is deceased, and the declaration was executed on behalf of the deceased inventor by Gale F. MATTHEWS, identified as "Assistant Secretary." The declaration lists the name and citizenship of all the inventors, including the deceased inventor, and citizenship, residence, and mailing address information has been provided for the person signing the declaration on behalf of the deceased inventor (although the address provided appears to be a business address for BASF Corporation, the corporate applicant on the international application). However, the declaration does not clearly identify the person signing on behalf of the deceased inventor as the legal representative (or equivalent) of the deceased inventor's estate or as the deceased inventor's sole heir. Rather, the person signing on behalf of the deceased inventor is identified as an "Assistant Secretary." The title "Assistant Secretary" is ambiguous in this context and is not sufficient to support a conclusion that Gale F. MATTHEWS is the legal representative (or equivalent) or sole heir of the estate of deceased inventor Hassan OLOUMI-SADEGHI.

Based on the above, on the present record, the declaration filed on 31 March 2011 cannot be accepted on behalf of the deceased inventor under 37 CFR 1.42 and 1.497.

¹ The declaration does not specify whether the "Assistant Secretary" title refers to the deceased inventor's estate or to the BASF Corporation.

CONCLUSION

The request for status under 37 CFR 1.42 with respect to deceased inventor Hassan OLOUMI-SADEGHI is **REJECTED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mail date of this communication to submit a proper response under 37 CFR 1.42 and 1.497. Failure to file a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

A proper response must include a revised declaration executed on behalf of the deceased inventor by a person unambiguously identified thereon as the legal representative (or equivalent) of the deceased inventor (or all his heirs). Such declaration must include all the information required by 37 CFR 1.497, including the citizenship, residence, and mailing address of the legal representative, and the name and citizenship of the deceased inventor and the surviving inventors.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450

Alexandria, VA 22313-1450

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BRINKS, HOFER, GILSON & LIONE P.O. BOX 110285 RESEARCH TRIANGLE PARK NC 27709

PCT LEGAL ADMINISTRATION

In re Application of: PAULINI, Ralph, et al.

U.S. Application No.: 13/000,814 PCT No.: PCT/EP2009/057650

International Filing Date: 19 June 2009

Priority Date: 23 June 2008

Attorney's Docket No.: 13779-645 For: SULFOXIMINAMIDE

COMPOUNDS FOR COMBATING

ANIMAL PESTS

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' "Submission Under 37 C.F.R. 1.42" filed on 04 August 2011, considered herein as a renewed request for status under 37 CFR 1.42 with respect to deceased inventor Hassan OLOUMI-SADEGHI.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 10 May 2011. The decision rejected applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Hassan OLOUMI-SADEGHI. Specifically, the decision found that it was unclear whether the declaration filed on behalf of the deceased inventor had been properly executed on his behalf by the legal representative of the deceased inventor's estate.

On 04 August 2011, applicants filed the "Submission Under 37 C.F.R. 1.42" considered herein, accompanied by a revised declaration executed on behalf of the deceased inventor and the required one-month extension fee.

DISCUSSION

As discussed in the previous decision, the original declaration filed on 31 March 2011 was rejected because it appears that Gale F. MATTHEWS, the person who executed the declaration on behalf of the deceased inventor, is an officer of the assignee, not the legal representative of the deceased inventor's estate, and he therefore is not the proper person to execute the declaration on behalf of the deceased inventor under 37 CFR 1.42.

The revised declaration filed by applicant on 04 August 2011 is executed on behalf of the non-signing inventor by Faranch Oloumi, who is identified on the revised declaration and in the "Submission Under 37 C.F.R. 1.42" as the Legal Representative for the deceased inventor Hassan OLOMI-SADEGHI. The revised declaration lists the name and citizenship of all the

1

inventors, including the deceased inventor, and it includes the required citizenship, residence, and mailing address information for Faranch Oloumi, the Legal Representative signing the declaration on behalf of the deceased inventor. The revised declaration filed on 04 August 2011 is therefore acceptable on behalf of the deceased inventor under 37 CFR 1.42 and 1.497.

CONCLUSION

Based on the revised declaration filed on 04 August 2011, applicants' renewed request for status under 37 CFR 1.42 with respect to deceased co-inventor Hassan OLOMI-SADEGHI is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1,)(c)(2), and (c)(4) is 04 August 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

JUL 29 2011

COOLEY LLP

ATTN: Patent Group

Suite 1100

777 - 6th Street, NW

WASHINGTON DC 20001

In re Application of

GLUKHOVSKY, Arkady, et al.

Application No.: 13/000,840

PCT No.: PCT/US2009/048419

Int. Filing Date: 24 June 2009

Priority Date: 27 June 2008

Docket No.: BION-026/01US 307799-2207

TREATMENT OF INDICATIONS

USING ELECTRICAL

STIMULATION

PCT LEGAL ADMINISTRATION

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 24 May 2011.

BACKGROUND

On 26 January 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration are required.

On 24 May 2011, applicants filed this petition under 37 CFR 1.47(a).

On 26 May 2011, applicants filed a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2), (3) and (4) have been satisfied. The petition fee has been paid. Applicants state that they presented the inventor with a complete copy of the application papers and the declaration, and that the inventor has not returned an executed declaration after the passage of sufficient time. Applicant states the last known address of the non-signing inventor, Yitzhak Zilberman as 23462 Thornewood Drive, Santa Clarita, CA 91321. The declaration is executed by the signing inventors on behalf on the non-signing inventor.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 26 May 2011.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

Yitzhak Zilberman 23462 Thornewood Drive Santa Clarita, CA 91321 JUL 29 2011

PCT LEGAL ADMINISTRATION

In re Application of GLUKHOVSKY, Arkady, et al. Application No.: 13/000,840 PCT No.: PCT/US2009/048419 Int. Filing Date: 24 June 2009 Priority Date: 27 June 2008

Docket No.: BION-026/01US 307799-2207

For: TREATMENT OF INDICATIONS USING ELECTRICAL STIMULATION

Dear Mr. Zilberman:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: 571-272-3292

COOLEY LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW WASHINGTON DC 20001

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ALEXANDRIA, VA 22313-1450

METABOLEX, INC. C/O FOLEY & LARDNER LLP 975 PAGE MILL ROAD PALO ALTO, CA 94304

MAILED

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PCT LEGAL ADMINISTRATION

In re Application of SONG et al

U.S. Application No.: 13/000,868

PCT Application No.: PCT/US2009/047551

Int. Filing Date: 16 June 2009

Priority Date Claimed: 20 June 2008 Attorney Docket No.: 090446-0351

For: ARYL GPR119 AGONISTS AND USES

THEREOF

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 December 2010.

BACKGROUND

On 16 June 2009, applicant filed international application PCT/US2009/047551, which claimed priority of an earlier United States application filed 20 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 21 December 2010, international application PCT/US2009/047551 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 December 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

BycunCm Bryan Lin

PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

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AUG 09 2011

PCT LEGAL ADMINISTRATION

In re Application of SONG et al

U.S. Application No.: 13/000,868

PCT Application No.: PCT/US2009/047551

Int. Filing Date: 16 June 2009

Priority Date Claimed: 20 June 2008

Attorney Docket No.: 090446-0351
For: ARYL GPR119 AGONISTS AND USES

THEREOF

DECISION

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 03 June 2011.

BACKGROUND

On 16 June 2009, applicant filed international application PCT/US2009/047551, which claimed priority of an earlier United States application filed 20 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2010.

On 21 December 2010, international application PCT/US2009/047551 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 December 2010, applicant filed a petition under 37 CFR 1.137(b).

On 11 January 2011, this Office mailed a decision granting the 22 December 2010 petition.

On 03 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration under 37 CFR 1.497 must be filed.

On 03 June 0211, applicant filed the instant petition under 37 CFR 1.47(a).

Application Number: 13/000,868

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to the nonsigning inventor Zuchun Zhao for signature and that Zhao

received such papers (see letter dated 11 May 2011 and Exhibit C). Furthermore, the petition sufficiently illustrates that Zhao refuses to sign. In particular, Zhao's failure to return an executed declaration in response to the correspondence delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Zhao refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of $\underline{16}$ June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of $\underline{03}$ June 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

PCT Legal Examiner PCT Legal Office

Rycman

Telephone: 571-272-3303 Facsimile: 571-273-0459



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Zuchun Zhao 865 Montevino Dr. Pleasanton, CA 94556

MAILED

AUG 0.9 2011

PCT LEGAL ADMINISTRATION

In re Application of SONG et al U.S. Application No.: 13/000,868

PCT Application No.: PCT/US2009/047551

Int. Filing Date: 16 June 2009

Priority Date Claimed: 20 June 2008

For: ARYL GPR119 AGONISTS AND USES

THEREOF

Dear Zuchun Zhao:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Byculin Brvan Lin

PCT Legal Examiner PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

METABOLEX, INC. C/O FOLEY & LARDNER LLP 975 PAGE MILL ROAD PALO ALTO, CA 94304 Attorney Docket No.: 090446-0351

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE NC 28280-4000

MAILED OCT 242011

PCT LEGAL ADMINISTRATION

DECISION ON PETITION

In re Application of:

JACQUAMETet al.

Application No.: 13/000,872

PCT No.: PCT/IB2009/006610

Int. Filing Date: 01 July 2009 Priority Date: 01 July 2008

Attorney Docket No.: 033339/400229

DEVICE AND METHOD FOR HOLDING : For:

AND RELEASING A METALLIC

SAMPLE HOLDER, AND USE OF THIS

DEVICE

This decision is issued in response to the declaration filed 02 May 2011 which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 01 July 2009, applicant filed international application PCT/IB2009/006610, which claimed a priority date of 01 July 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 January 2011.

On 22 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and an application data sheet.

On 03 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 02 May 2011, applicant filed an executed declaration and power of attorney.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The declaration submitted on 02 May 2011was executed by Catherine Izier, Hugo Stephane Leon Jacquamet, Remy Victor Stephen Jacquamet; and Enzo Lillian Theo Jacquamet as "beneficiary" to the deceased inventor, Lillian Jacquamet. However, the declaration does not state that these individuals are the "sole heirs or legal representative(s)" of the deceased inventor. Absent a statement that the signing heirs are the sole heirs of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE NC 28280-4000 MAILED NOV 23 2011

PCT LEGAL ADMINISTRATION

In re Application of:

JACQUAMETet al.

Application No.: 13/000,872 PCT No.: PCT/IB2009/006610

Int. Filing Date: 01 July 2009 Priority Date: 01 July 2008

Attorney Docket No.: 033339/400229

For: DEVICE AND METHOD FOR HOLDING:

AND RELEASING A METALLIC

SAMPLE HOLDER, AND USE OF THIS

DEVICE

DECISION ON PETITION

In a decision mailed by this Office on 24 October 2011, the declaration filed by applicant on behalf of deceased inventor Lillian Jacquamet was dismissed for failure to include all the information required under 37 CFR 1.497.

On 03 November 2011, applicant filed a response to the previous communication that was accompanied by a copy of the previously filed declaration and certification (Heritage Declaration). The declaration (filed 02 May 2011) identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Catherine Izier, Hugo Stephane Leon Jacquamet, Remy Victor Stephen Jacquamet; and Enzo Lillian Theo Jacquamet as the "beneficiary," states his/her relationship to the deceased (i.e., beneficiary), and provides the beneficiaries (Catherine Izier, Hugo Stephane Leon Jacquamet, Remy Victor Stephen Jacquamet; and Enzo Lillian Theo Jacquamet) country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

An examination of applicant's exhibit finds that the filed declaration has been executed by all of the heirs to the deceased inventor. The filing of this declaration is being construed to show that no legal representative. The submission of the declaration executed by all of the heirs of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

Application No.: 13/000,872

The request for status under 37 CFR 1.42 is GRANTED.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.ussto.gov

MAILED

JUN 07 2011

PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON VA 20191

In re Application of SEKIGUCHI et al.

Application No.: 13/000,899

PCT No.: PCT/JP2009/002840

Int. Filing Date: 22 June 2009

Priority Date: 24 June 2008

Attorney's Docket No.: P39336

For: DYE-SENSITIZED SOLAR CELL

DECISION ON

PAPERS

UNDER 37 CFR 1.42

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 31 March 2011, which was accompanied by a declaration of the inventors. The indication in this declaration that Shingo KAMBE is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 22 June 2009, applicants filed international application PCT/JP2009/002840, which designated the United States and claimed a priority date of 24 June 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 30 December 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010 (24 December 2010 being a Federal holiday and 25 December 2010 being a Saturday).

On 22 December 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 27 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicants filed the instant submission which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that inventor Shingo KAMBE is deceased has been treated as a request for status under 37 CFR 1.42.

Application No.: 13/000,899 -2-

DISCUSSION

37 CFR 1.41(a)(4) states:

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The declaration filed 31 March 2011 does not list the inventorship set forth in the international application. The international application lists three applicant/inventors (Takashi Sekiguchi, Shigeo Yamada, and Tatsuya Ooashi) while the declaration of inventors lists four inventors (the additional inventor being Shingo Kambe (deceased)). An applicant for purposes of the United States must be the inventor. *See, e.g., PCT Applicant's Guide*, International Phase, Paragraph 5.022. A review of the file for the international application on WIPO's PATENTSCOPE database (www.wipo.int/pctdb/en/search-adv.jsp) shows the PCT Request filed with the international application as naming Shingo Kambe as applicant only. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application which consists of three inventors. The declaration filed 31 March 2011 is not sufficient. Consequently, the request for status under 37 CFR 1.42 is MOOT.

Additionally, the declaration of inventors filed 31March 2011 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED** as **MOOT**.

Applicants are required to file (1) a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), or a Form PCT/IB/306 indicating a change effected under PCT Rule 92^{bis} corresponding to the declaration filed 31 March 2011 and (2) a declaration in compliance with 37 CFR 1.69(b), within a time limit of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

Application No.: 13/000,899 -3-

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON VA 20191 **MAILED**

SEP 0.7 2011

PCT LEGAL ADMINISTRATION

DECISION ON

In re Application of

SEKIGUCHI et al.

Application No.: 13/000,899

PCT No.: PCT/JP2009/002840 : PAPERS

Int. Filing Date: 22 June 2009

Priority Date: 24 June 2008 : UNDER 37 CFR 1.42

Attorney's Docket No.: P39336

For: DYE-SENSITIZED SOLAR CELL

This is a decision on applicants' response to the decision on papers under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 23 June 2011.

BACKGROUND

On 22 June 2009, applicants filed international application PCT/JP2009/002840, which designated the United States and claimed a priority date of 24 June 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 30 December 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010 (24 December 2010 being a Federal holiday and 25 December 2010 being a Saturday).

On 22 December 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 27 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that inventor Shingo KAMBE is deceased was properly treated as a request for status under 37 CFR 1.42.

On 07 June 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42. The decision stated in part:

The declaration filed 31 March 2011 does not list the inventorship set forth in the international application. The international application lists three applicant/inventors (Takashi Sekiguchi, Shigeo Yamada, and Tatsuya Ooashi) while the declaration of inventors lists four inventors (the additional inventor being Shingo Kambe (deceased)). An applicant for purposes of the United States must be the inventor. See, e.g., PCT Applicant's Guide, International Phase, Paragraph 5.022. A review of the file for the international application on WIPO's PATENTSCOPE database (www.wipo.int/pctdb/en/search-adv.jsp) shows the PCT Request filed with the international application as naming Shingo Kambe as applicant only. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application which consists of three inventors. The declaration filed 31 March 2011 is not sufficient. Consequently, the request for status under 37 CFR 1.42 is MOOT.

The decision also indicated that the declaration of inventors filed 31 March 2011 was not in compliance with 37 CFR 1.69(b).

On 23 June 2011, applicants filed the instant submission.

DISCUSSION

As noted in the submission filed 23 June 2011, the PCT Request filed with the international application identifies Satoko Kambe (legal representative of deceased inventor Shingo Kambe) as applicant only. Thus, the indication in the decision issued 07 June 2011 that the PCT Request identifies Shingo Kamba (the deceased inventor) as applicant only is incorrect. The declaration filed 31 March 2011 lists the correct inventorship. See, e.g., PCT Applicant's Guide–International Phase, paragraphs 11.023-11.025.

The declaration filed 31 March 2011 fails to comply with 37 CFR 1.497(a)-(b). It is not clear from the declaration whether the information below Satoko Kambe's signature is her information, or if it is the information of Shingo Kambe. Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name and citizenship of the deceased inventor (37 CFR 1.497(a)(3)).

Additionally, the declaration of inventors filed 31 March 2011 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

Application No.: 13/000,899 -3-

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a proper declaration within a time period of TWO (2) MONTHS from the mail date of this Decision. A proper declaration is described above. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer Legal Examiner **PCT Legal Affairs** Office of Patent Cooperation Treaty Legal Administration

Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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PCT LEGAL ADMINISTRATION

GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON VA 20191

In re Application of

SEKIGUCHI et al. : DECISION ON

Application No.: 13/000,899

PCT No.: PCT/JP2009/002840 : PAPERS

Int. Filing Date: 22 June 2009

Priority Date: 24 June 2008 : UNDER 37 CFR 1.42

Attorney's Docket No.: P39336

For: DYE-SENSITIZED SOLAR CELL

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 04 November 2011.

BACKGROUND

On 22 June 2009, applicants filed international application PCT/JP2009/002840, which designated the United States and claimed a priority date of 24 June 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 30 December 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010 (24 December 2010 being a Federal holiday and 25 December 2010 being a Saturday).

On 22 December 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 27 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 31 January 2011, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors. The indication in this declaration that inventor Shingo KAMBE is deceased was properly treated as a request for status under 37 CFR 1.42.

On 07 June 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 23 June 2011, applicants filed a renewed submission under 37 CFR 1.42.

On 07 September 2011, a decision was issued refusing applicants' request for status under 37 CFR 1.42.

On 04 October 2011, applicants filed the instant renewed submission under 37 CFR 1.42 which was accompanied by, inter alia, a new declaration of inventors executed by the legal representative of the deceased inventor.

DISCUSSION

The submission filed 04 November 2011 is in compliance with 37 CFR 1.42.

The declarations of inventors filed 23 June 2011 and 04 November 2011 are in compliance with 37 CFR 1.497(a)-(b).

The statement included with the submission filed 04 November 2011 that the translation of the declaration with execution dates of 17 March 2011 is accurate satisfies 37 CFR 1.69(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of <u>04 November 2011</u>.

/Daniel Stemmer/

Daniel Stemmer Legal Examiner **PCT Legal Affairs** Office of Patent Cooperation Treaty Legal Administration

Telephone: (571) 272-3301

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

Iment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO									
Application No:	13/000,911	Filing date:	December 22, 2010						
First Named Inventor:	First Named Inventor: Lars Vinther Kappel								
Title of the Invention: A NAC									
SUBMITTED VIA EFS-W	THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML								
	TREQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC								
of another PCT applica domestic/ foreign prior priority claim in the cor to (4) above, or (6) a L	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.								
The corresponding P application number(s The international filin PCT application(s) is	ng date of the corresponding								
Is attached Is not attached b. A copy of all clabove-identifie Is attached. Is not attached. Is not attached. C. English transla	atest international work product (WO/ISA PCT application(s) ed because the document is already in the Usaims which were indicated as having now ded corresponding PCT application(s).	J.S. application velty, invention J.S. application e are attache	on. ive step and industrial applicability in the on. ed (if the documents are not in the English						

56,297

Registration Number

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO						
(continued)						
Application No.:	13/00	0,911				
First Named Inventor:	Lars V	inther Kappel				
WO/ISA Is attach Is attach (2) Copies of Are att	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on February 4, 2011 II. Claims Correspondence Table:					
Claims in US Appli	cation	Patentable Claims in the corresponding PCT Application	Explanation regarding the corr	respondence		
1		1	Similar in scop	e; no substantive change		
2		2	Similar in scope; no substantive change			
3		3	Combination of claims 1 and 3; multiple dependency deleted			
4		4	Combination of claims 1 and 4; multiple dependency deleted			
5		5	Combination of claims 1 and 5; multiple dependency deleted			
6		6	Combination of claims 1 and 6; multiple dependency deleted			
7		7	Combination of claims 1	and 7; multiple dependency deleted		
8		8	Combination of claims 1	and 8; multiple dependency deleted		
9		9	Combination of claims 1	and 9; multiple dependency deleted		
10		10	Combination of claims 1 a	and 10; multiple dependency deleted		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
Signature /Stev	en W	/. Benintendi/		Date February 21, 2011		

Steven W. Benintendi

Name

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

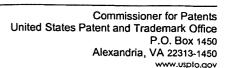
UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,911	02/21/2011	Lars Vinther Kappel	VWS-222US 7376	
	7590 04/08/2011 & Evans, LLP (Vestas Wi	nd Systems)	EXAM	INER
441 Vine Stree 2700 Carew To	ower		ART UNIT	PAPER NUMBER
Cincinnati, OH	45202		3745	
			MAIL DATE	DELIVERY MODE
	7		04/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Wood, Herron & Evans, LLP (Vestas Wind Systems) 441 Vine Street 2700 Carew Tower Cincinnati OH 45202

In re Application of

KAPPEL, LARS VINTHER et al

Application No. 13/000,911

Filed: Dec. 22, 2010

Attorney Docket No. VWS-222US

For: NACELLE TRAVELLING CRANE

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PILOT PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 21, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate:
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Edward Look, the SPE of Art Unit 3745 and (571)272-4820 for Class 416/146 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE .	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/000,979	12/22/2010	. Yoshifumi Miyazaki	083624-0015	7933
	7590 08/03/2011 F WILL & EMERY LLP		EXAM	INER
600 13TH STR WASHINGTO	EET, N.W. N, DC 20005-3096		ART UNIT	PAPER NUMBER
			1781	·
		•	NOTIFICATION DATE	DELIVERY MODE
	•		08/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

August 2, 2011

WG

In re application of

Serial No. 13/000.979

Yoshifumi Miyazaki et al.

Filed: December 22, 2010

For: METHOD FOR PROD⊌CING

INSTANT NOODLES

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 5, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

Application No. 13/000,979

(5) Applicant must submit:

- a. Documentation of prior office action: i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/	•
Walter D. Griffin	
Supervisory Patent Examiner	•
Technology Center 1700	

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO							
Application No:	13/001,021	Filing date:	December 22, 2010				
First Named Inventor:	Tadashi HIGASHIYAM	Α					
Title of the Invention: PORTA	ABLE TERMINAL DEVICE	Ξ					
SUBMITTED VIA EFS-W	RTICIPATION IN THE PCT-PPH PILOT PROGFEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT				
	REQUESTS PARTICIPATION IN THE PCAPPLICATION SPECIAL UNDER THE						
of another PCT application domestic/ foreign priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding P application number(s							
The international date PCT application(s) is	e of the corresponding s/are: June 15, 2009						
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.							
ls <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.				
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 							
Is <u>not</u> attached because the document is already in the U.S. application.							
	 c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above. 						

Date 3/22/2011

Registration Number 38,380

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO						
	(continued)					
Application No.: 1	Application No.: 13/001,021					
First Named Inventor: T	adashi HIGASHIYAMA					
WO/ISA, W Is attached Has alrea (2) Copies of	 d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached					
Are attac	shed. eady been filed in the above-iden	tified U.S. application on December 22, 2010				
II. Claims Corresp	oondence Table:					
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence						
1	3	Claim 1 amended to incorporate subject matter of patentable Claim 3.				
4-7	3	Claims 4-7 depend from Claim 1 as amended to incorporate Claim 3.				
III. All the claims i corresponding PC		ently correspond to the patentable claims in the				

/Stephen C. Beuerle/

Stephen C. Beuerle

Signature

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

Γ	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	13/001,021	12/22/2010	Tadashi Higashiyama	114324-KC0174	8335
		7590 04/29/201 ORY, HARGREAVES	•	EXAM	INER
	SUITE 2200			ART UNIT	PAPER NUMBER
	SAN DIEGO, O	CA 92101		2617	
				NOTIFICATION DATE	DELIVERY MODE
				04/29/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com PTONotifications@procopio.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO CA 92101

In re Application of

HIGASHIYAMA, TADASHI et al.

Application No. 13/001,021 Filed: December 22, 2010

Attorney Docket No. 114324-KC0174

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 22, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik Quality Assurance Specialist Technology Center 2600 Communications

REQUI	EST FOR		VAY (PCT-PPH) PIL	OT PROGRA	
Application N	lo.:		Filing Date:	December 2	23, 2010
Confirmation	No.:		Attorney Docket No.:	Q122118	
First Named	Inventor:	Yoshihiro NAKAMUR	4		
Title of the Invention:	TARGE	T POSITION IDENTIFY	/ING APPARATUS		
SUBMITTED	VIA EFS-	PARTICIPATION IN THE PCT WEB. INFORMATION REGA GOV/EBC/EFS_HELP.HTML	ARDING EFS-WEB IS AV		HE REQUIRED DOCUMENTS MUST BE
		REQUESTS PARTICIPATION PPLICATION SPECIAL UND			ND PETITIONS TO MAKE THE
stage entry application which form U.S. applic	y of anotl that clains the bas cation tha	her PCT application whi ims domestic/ foreign pr sis for the priority claim at satisfies one of (1) to	ch claims priority to to to riority to the corresponding (4) above, or (6) a U.	he correspond nding PCT ap PCT applicati S. application	ding PCT application, or (2) a national ding PCT application, or (3) a national application, or (4) a national application on, or (5) a continuing application of a that claims domestic benefit to a U.S. esponding PCT application.
The corre	spondin	g PCT application nur	nber(s) is/are:		PCT/JP2009/062977
The interr	national	date of the correspond	ding PCT applicatio	n(s) is/are:	July 17, 2009
I.		Required Documents:		•	
a.	above-	of the latest internation of the latest inte			/IPEA, or IPER) in the
	□ Is	s <u>not</u> attached because	the document is alrea	ady in the U.S	s. application.
b.	applica	of all claims which wo ability in the above-ide attached.			inventive step and industrial cation(s)
	□ Is	s <u>not</u> attached because	the document is alrea	ady in the U.S	s. application.
c.	in the E				attached (if the documents are not ation is accurate is attached for the
d.	produc ☑ Is	ets (ISR, WO/ISA, WO/I s attached.	PEA, IPER) of the c	orresponding	
	П Н	las already been filed in	the above-identified	U.S. applicati	ion on
	☑ A	oies of all documents (are attached. lave already been filed i		-	tion on

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM RETWEEN THE JAPAN PROPERTY OFFICE (IRO) AND THE USPTO

		(continued)
Application No.:		
First Named Inventor:	Yoshihiro NAKAMURA	
II. Claims Corresponden	ace Table:	
Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claim 1 in US Application substantially corresponds to Claim 1 in PCT Application. The feature regarding use of the "determination condition" has been clarified.
2	2	Both claims are the same.
3	3	Both claims are the same except that multiple dependency has been eliminated.
4	4	Both claims are the same.
5	5	Both claims are the same except that multiple dependency has been eliminated.
6	6	Both claims are the same.
7	7	Both claims are the same except that multiple dependency has been eliminated.
8	8	Both claims are the same except that multiple dependency has been eliminated
9	9	Both claims are the same except that multiple dependency has been eliminated.
10	10	Both claims are the same.
11	11	Both claims are the same.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
IV. Payment of the Issue Fee a overpayments	☑ and the Publica	The USPTO is directed and ation Fee to Deposit Accoun it Account. Credit Card.		_	•	-
		SEND ALL CORRESPO		er:		
		WASHINGTON 233 CUSTOMER N	73			
Signature Name	/John M. Bird	l		Date	December 23,	2010

Registration Number

46,027

(Print/Typed)

John M. Bird

DECLARATION

I, Hirotsugu HORI, translator of S.KITAMURA PATENT OFFICE of 16th

Floor, Nakanoshima Mitsui Building, 3-3-3, Nakanoshima, Kita-ku,

Osaka, Japan, do hereby declare that I am conversant with the English

and Japanese Languages and am a competent translator thereof. I

further declare that to the best of my knowledge and belief the following is

a true and correct translation of the documents in the Japanese language

attached hereto.

International Patent Application No. PCT/JP2009/062977

Signed this 6th day of December, 2010

Hinotaya Hon Hirotsugu HORI

請求の範囲

[請求項1]

第1色と第2色との組み合わせからなるターゲットを環境光の影響 下で撮影することによって得られた撮影画像の画素値を処理して第1 の色成分値と第2の色成分値と輝度値とを生成する色差変換部と、

前記撮影画像の輝度または前記輝度値に基づく判定条件を用いて前 記第1の色成分値と前記第2の色成分値とに基づいて前記第1色の領域と前記第2色の領域とを判定する色領域判定部と、

前記色領域判定部による判定結果に基づいて前記ターゲットにおける前記第1色と前記第2色との境界を検出する境界検出部と、

前記境界検出部による境界検出結果に基づいて前記ターゲットの前記撮影画像上での位置を算定するターゲット位置算定部と、 を備えるターゲット位置特定装置。

「請求項2〕

前記第1色が青色で、前記第2色が赤色で、前記輝度値と前記第1の色成分値と前記第2の色成分値とがそれぞれYCbCr表色系におけるY値とCb値とCr値である請求項1に記載のターゲット位置特定装置。

[請求項3]

前記判定条件は前記撮影画像の輝度または前記輝度値に応じて変動 し、前記撮影画像の輝度または前記輝度値が大きくなると、前記撮影 画像の画素が前記色領域のいずれかに属すると判定するための色成分 値の範囲が狭められる請求項1または2記載のターゲット位置特定装 置。

「請求項4]

前記判定条件は、前記撮影画像の画素が前記色領域のいずれかに属すると判定するための特定色検出閾値: THであり、次式によって求められる、

 $TH=VA_{avg}+K\times(VH_{avg}-VA_{avg})$

ここで、VA_avg:前記撮影画像における全画素の判定対象となる色成分値の平均値、VH_avg:前記撮影画像における全画素のうち判定対象となる色成分値が上位レベルに属する画素の色成分値の色成分対

応赤領域に対応する上位レベルの平均値、K:前もって設定された一 定値である請求項3に記載のターゲット位置特定装置。

[請求項5] 前記ターゲットは市松模様である請求項1から4のいずれか一項に 記載のターゲット位置特定装置。

[請求項6] 前記市松模様の異なる色領域を境界付けている2本の方向の異なる 境界線の交点の座標を前記ターゲット位置として利用する請求項5に 記載のターゲット位置特定装置。

[請求項7] 前記ターゲットの位置座標が既知である請求項1から6のいずれか 一項に記載のターゲット位置特定装置。

[請求項8] 前記ターゲットの表面がつや消し処理されている請求項1から7の いずれか一項に記載のターゲット位置特定装置。

[請求項9] 前記撮影画像は車両に搭載されたカメラによって撮影されたものであり、前記ターゲット位置算定部によって算定された前記ターゲットの前記撮影画像上での位置が前記カメラの取付位置較正に用いられる 請求項1から8のいずれか一項に記載のターゲット位置特定装置。

[請求項10] 前記ターゲットとして前記車両の左右方向に並んだ2つのターゲットが用意されており、前記車両の左右車輪が前記2つのターゲットを 跨げるように前記車両のトレッド幅よりも狭い間隔で配置されている 請求項9に記載のターゲット位置特定装置。

[請求項11] 前記ターゲットとして車両の左右方向に並んだ2つのターゲットが 用意されており、前記2つのターゲットの間を前記車両が通過できる ように前記2つのターゲットは前記車両のトレッド幅よりも広い間隔 で配置されている請求項9に記載のターゲット位置特定装置。

Claims

[claim 1] A target position identifying apparatus comprising:
a color difference converting section for processing pixel values of an
image of a target comprised of combination of a first color and a second color
obtained from the target under influence of ambient light, thus generating a
color component value of the first color, a color component value of the
second color and a luminance value;

a color region determining section for determining region of the first color and region of the second color, based on the first color component value and the second color component value, with using a determination condition based on either luminance of the captured image or said luminance value;

a border detecting section for detecting border between the first color and the second color in the target based on result of the determination by said color region determining section; and

a target position calculating section for calculating the position of the target on the image based on result of the border detection by the border detecting section.

20 [claim 2] The target position identifying apparatus according

to claim1, wherein said first color is blue, said second color is red; and said luminance value, said first color component value and said second color

component value are respectively a Y value, a Cb value and a Cr value in

the YCbCr color representation system.

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[claim 3] The target position identifying apparatus according

to claim 1 or 2, wherein said determination condition is variable in accordance with the luminance of the captured image or said luminance

value in such a manner that a range for the color component value for

determining that a pixel of the captured image belongs to either one of said

color regions is narrowed in accordance with increase in the luminance of the captured image or said luminance value.

[claim 4] The target position identifying apparatus according to claim 3, wherein said determination condition comprises a particular color detection threshold value: TH, said particular color detection threshold value: TH being obtained by the following formula.

$$TH = VA_avg + Kx (VH_avg \cdot VA_av)$$

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where VA_avg: the average value of the color component value to be determined for all pixels of the captured image, VH_avg: an upper level average value corresponding to the color component corresponding red region of the color component values of those pixels having upper level values of the determination subject color component of all the pixels of the captured image, and K: a preset constant value.

[claim 5] The target position identifying apparatus according to any one of claims 1-4, wherein said target comprises a checkerboard pattern.

[claim 6] The target position identifying apparatus according to claim 5, wherein coordinates of a crossing point of a pair of borderlines of differing directions together delimiting the checkerboard pattern are used as said target position.

[claim 7] The target position identifying apparatus according to any one of claims 1-6, wherein the position coordinates of the target are known in advance.

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[claim 8] The target position identifying apparatus according to any one of claims 1-7, wherein the surface of the target is provided with matting treatment.

[claim 9] The target position identifying apparatus according to any one of claims 1-8, wherein said captured image is a captured by a vehicle-mounted camera and the position of the target in the captured image is utilized for calibration of mounting position of the camera.

[claim 10] The target position identifying apparatus according to claim 9, wherein the target is provided in the form of a pair of targets juxtaposed along the right/left direction of the vehicle, and these targets are set with a distance therebetween smaller than the tread width of the vehicles.

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[claim 11] The target position identifying apparatus according to claim 9, wherein the target is provided in the form of a pair of targets juxtaposed along the right/left direction of the vehicle, and these targets are set with a distance therebetween greater than the tread width of the vehicles.

国際調査報告

発明の属する分野の分類(国際特許分類(IPC))

Int.Cl. H04N7/18(2006.01)i, G06T1/00(2006.01)i, H04N5/225(2006.01)i, H04N5/232(2006.01)i

調査を行った分野 В.

調査を行った最小限資料(国際特許分類(IPC))

Int.Cl. H04N7/18, G06T1/00, H04N5/225, H04N5/232

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報

1922-1996年

日本国公開実用新案公報

1971-2009年

日本国実用新案登録公報

1996-2009年

日本国登録実用新案公報

1994-2009年

国際調査で使用した電子データベース(データベースの名称、調査に使用した用語)

Ic. 関連すると認められる文献

と記りられる大阪	
引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号
JP 2008-131250 A(アイシン精機株式会社)2008.06.05, [0023]-[0025][0037]-[0038],図 1-2(ファミリーなし)	1-11
JP 2008-131177 A(アイシン精機株式会社)2008.06.05, [0029]-[0031][0043]-[0044],図 1-2(ファミリーなし)	1-11
JP 2006-162442 A (松下電器産業株式会社) 2006.06.22, [0081], 図 16 (ファミリーなし)	1-11
	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示 JP 2008-131250 A (アイシン精機株式会社) 2008.06.05, [0023]-[0025][0037]-[0038],図 1-2 (ファミリーなし) JP 2008-131177 A (アイシン精機株式会社) 2008.06.05, [0029]-[0031][0043]-[0044],図 1-2 (ファミリーなし) JP 2006-162442 A (松下電器産業株式会社) 2006.06.22, [0081],

○欄の続きにも文献が列挙されている。

パテントファミリーに関する別紙を参照。

* 引用文献のカテゴリー

- もの
- 「E」国際出願日前の出願または特許であるが、国際出願日 以後に公表されたもの
- 「L」優先権主張に疑義を提起する文献又は他の文献の発行 日若しくは他の特別な理由を確立するために引用す る文献 (理由を付す)
- 「O」口頭による開示、使用、展示等に言及する文献
- 「P」国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

- 「A」特に関連のある文献ではなく、一般的技術水準を示す 「T」国際出願日又は優先日後に公表された文献であって 出願と矛盾するものではなく、発明の原理又は理論 の理解のために引用するもの
 - 「X」特に関連のある文献であって、当該文献のみで発明 の新規性又は進歩性がないと考えられるもの
 - 「Y」特に関連のある文献であって、当該文献と他の1以 上の文献との、当業者にとって自明である組合せに よって進歩性がないと考えられるもの
 - 「&」同一パテントファミリー文献

国際調査を完了した日 国際調査報告の発送日 08.10.2009 27. 10. 2009 5 P 9187 特許庁審査官(権限のある職員) 国際調査機関の名称及びあて先 日本国特許庁(ISA/JP) 西谷 憲人 郵便番号100-8915 電話番号 03-3581-1101 内線 東京都千代田区霞が関三丁目4番3号 3581

国際調査報告

C (続き).			
引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号	
A	JP 2005-16979 A(松下電器産業株式会社)2005.01.20, [0004], 図 7-8(ファミリーなし)	1-11	
A	JP 2002-354506 A (ミノルタ株式会社) 2002.12.06, [0102],図 3,16 & US 7423666 B2	1-11	
A	JP 2007-225809 A(日本放送協会)2007.09.06, [0004],図 16 (ファミリーなし)	1-11	
A	JP 8-161508 A(マツダ株式会社)1996.06.21, [0020]-[0043], 図 1-12(ファミリーなし)	1-11	
A	JP 9-153139 A(三洋電機株式会社)1997.06.10, [0011]-[0050], 図 1-4 & US 5940531 A	1-11	
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2009/062977 A. CLASSIFICATION OF SUBJECT MATTER H04N7/18(2006.01)i, G06T1/00(2006.01)i, H04N5/225(2006.01)i, H04N5/232 (2006.01)iAccording to International Patent Classification (IPC) or to both national classification and IPC B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) H04N7/18, G06T1/00, H04N5/225, H04N5/232 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Jitsuyo Shinan Koho 1922-1996 Jitsuyo Shinan Toroku Koho 1996-2009 1971-2009 1994-2009 Kokai Jitsuyo Shinan Koho Toroku Jitsuyo Shinan Koho Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) C. DOCUMENTS CONSIDERED TO BE RELEVANT Citation of document, with indication, where appropriate, of the relevant passages Relevant to claim No. Category* JP 2008-131250 A (Aisin Seiki Co., Ltd.), 1-11 Α 05 June 2008 (05.06.2008), paragraphs [0023] to [0025], [0037] to [0038]; fig. 1 to 2 (Family: none) JP 2008-131177 A (Aisin Seiki Co., Ltd.), 1-11 Α 05 June 2008 (05.06.2008), paragraphs [0029] to [0031], [0043] to [0044]; fig. 1 to 2 (Family: none) JP 2006-162442 A (Matsushita Electric 1 - 11Α Industrial Co., Ltd.),
22 June 2006 (22.06.2006), paragraph [0081]; fig. 16 (Family: none) Further documents are listed in the continuation of Box C. See patent family annex. Special categories of cited documents: later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "A" document defining the general state of the art which is not considered to "E" earlier application or patent but published on or after the international filing document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art document referring to an oral disclosure, use, exhibition or other means document published prior to the international filing date but later than the "&" document member of the same patent family priority date claimed Date of mailing of the international search report Date of the actual completion of the international search 27 October, 2009 (27.10.09) 08 October, 2009 (08.10.09)

Authorized officer

Telephone No.

Japanese Patent Office

Name and mailing address of the ISA/

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2009/062977

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2005-16979 A (Matsushita Electric Industrial Co., Ltd.), 20 January 2005 (20.01.2005), paragraph [0004]; fig. 7 to 8 (Family: none)	1-11
А	JP 2002-354506 A (Minolta Co., Ltd.), 06 December 2002 (06.12.2002), paragraph [0102]; fig. 3, 16 & US 7423666 B2	1-11
A	<pre>JP 2007-225809 A (Nippon Hoso Kyokai), 06 September 2007 (06.09.2007), paragraph [0004]; fig. 16 (Family: none)</pre>	1-11
А	JP 8-161508 A (Mazda Motor Corp.), 21 June 1996 (21.06.1996), paragraphs [0020] to [0043]; fig. 1 to 12 (Family: none)	1-11
A	JP 9-153139 A (Sanyo Electric Co., Ltd.), 10 June 1997 (10.06.1997), paragraphs [0011] to [0050]; fig. 1 to 4 & US 5940531 A	1-11
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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

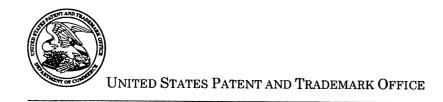
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/001,061	12/23/2010	Yoshihiro Nakamura	Q122118	8778	
SUGHRUE M		EXAMINER			
SUITE 800	LVANIA AVENUE, N.W.	ART UNIT	PAPER NUMBER		
WASHINGTO	N, DC 20037		2482		
				•	
			NOTIFICATION DATE	DELIVERY MODE	
			06/14/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com PPROCESSING@SUGHRUE.COM USPTO@SUGHRUE.COM



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

Sugrue Mion, PLLC 2100 Pennsylvania Avenue, N.W. Suite 800 Washington DC 20037

In re Application of: Nakamura et al. Application No. 13/001061 Filed: December 23, 2010

For: Target Position Identifying Apparatus

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 23, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

- (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:
 - (a) The U.S. application is a national stage entry of the corresponding PCT application.
 - (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
 - (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
 - (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
 - (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.
- (8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).
- (9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Application SN 13/001061 Decision on Petition

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-36128

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/

Tod Swann Quality Assurance Specialist Technology Center 2400

MAILED

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.usplo.gov

FEB 03 2011

PCT LEGAL ADMINISTRATION

Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison WI 53703-2865

In re Application of: HALLE, et al. : U.S. Application No.: 13/001,154 :

PCT No.: PCT/GB2009/001092 : DECISION

International Filing Date: 30 April 2009

Priority Date: 02 May 2008 :

Atty's Docket No.: 11142005-TG42990P.USP : For: METHOD OF MAKING A WHEEL :

BALANCE ASSEMBLY

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 23 December 2010. The applicable petition fee has been paid.

BACKGROUND

On 30 April 2009, applicants filed international application PCT/GB2009/001092. The application claimed a priority date of 02 May 2008, and it designated the United States. On 05 November 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for requesting entry into the national stage in the United States and payment of the basic national fee was thirty months from the priority date, i.e., 02 November 2010.

Applicants did not file a request for entry into the national stage in the United States and payment of the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, PCT/GB2009/001092 became abandoned with respect to the United States at midnight on 02 November 2010.

On 23 December 2010, a request for entry into the national stage for PCT/GB2009/001092 was filed in the USPTO. The submission included, among other materials, the petition for revival under 37 CFR 1.137(b) discussed below.

DISCUSSSION

The present petition, and the required statement of unintentional delay contained therein, was executed by John HALLE, one of the inventors herein, in his capacity as Managing Director of Trax JH Limited ("Trax JH"). However, pursuant to 37 CFR 1.33(b), the petition for revival and the required statement of unintentional delay must be properly executed by either a patent

practitioner, an assignee who has appeared in the application in accordance with 37 CFR 3.71(b), or all of the applicants.

In the present application, Trax JH has not submitted the materials necessary under 37 CFR 3.71(b) before an assignee can take action in the application. In addition, even were Mr. HALLE's signature on the petition interpreted as being made in his individual capacity, the signature would be inadequate, as the petition was not also signed by the other applicant/inventor of record, Richard WATKIN.

Because the petition for revival filed herein was not properly executed in accordance with 37 CFR 1.33(b), the petition has been placed in the application file, but will not be considered on the merits.

CONCLUSION

As discussed above, the petition for revival under 37 CFR 1.137(b) filed 23 December 2010 is not properly executed and therefore cannot be considered on the merits.

International application PCT/GB2009/001092 remains abandoned with respect to the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.oop

Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison WI 53703-2865

MAILED MAY U 2 2011

PCT LEGAL ADMINISTRATION

In re Application of: HALLE, et al.

U.S. Application No.: 13/001,154 PCT No.: PCT/GB2009/001092

International Filing Date: 30 April 2009

Priority Date: 02 May 2008

Atty's Docket No.: 11142005-TG42990P.USP
For: METHOD OF MAKING A WHEEL
BALANCE ASSEMBLY

DECISION ON PETITION UNDER 37 CFR 1.137(b)

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This decision is issued in response to the revised petition for revival under 37 CFR 1.137(b) filed 15 March 2011 (and resubmitted via EFS-Web on 22 March 2011). The applicable petition fee has previously been paid.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 03 February 2011. The decision confirmed that international application PCT/GB2009/001092 was abandoned with respect to the United States based on applicants' failure to file a request for entry into the national stage and payment of the basic national fee prior to the expiration of thirty months from the priority date. The decision also stated that the original petition for revival under 37 CFR 1.137(b) filed herein on 23 December 2010 was not properly executed and therefore could not be considered on the merits.

On 15 March 2011, applicants filed the revised petition for revival under 37 CFR 1.137(b) considered below.

DISCUSSSION

The present revised petition for revival was properly executed by both of the inventors of record. Applicants had previously submitted, on 23 December 2010, payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, applicants have now satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b). The request to revive international application PCT/GB2009/001092 with respect to the United States is therefore appropriately granted.

CONCLUSION

The revised petition for revival under 37 CFR 1.137(b) filed on 15 March 2011 is **GRANTED**.

The present national stage application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 December 2010.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296 Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

Iment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	13/001,196	Filing date:	December 23, 2010			
First Named Inventor:	Thomas Weber					
Title of the Invention: ACTUA	ATOR					
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGRIEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		· ·			
	TREQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PCT					
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding PCT application number(s) is/are: PCT/EP2009/057086 The international filing date of the corresponding PCT application(s) is/are: June 9, 2009						
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.						

Registration Number 36,018

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM							
BETWEEN THE EPO AND THE USPTO (continued)							
Application No.: 13/0	 01,196	(softaniasa)					
10,0	•						
First Named Inventor: Thon							
	 d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached 						
Has already	peen filed in the above-ident	ified U.S. application on Dec	ember 23, 2010				
		s. patents or U.S. patent applica	ation publications)				
Are attached Have already	· · been filed in the above-ider	ntified U.S. application on Dec	cember 23, 2010				
II. Claims Correspond	lence Table:						
Claims in US Application	Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence						
1 - 14	1 - 14	These claims were amended for clarity and to remove multiple depend					
15	1, 2 and 15	Claim 15 was amended to place in independent form and to remove the multiple dependent					
16 - 18	3 - 5	These claims correspond to the amended PCT claims and now depend from independen					
19	6 and 7	Amended PCT claims 6 and 7 were combined and now claim dependency to d					
20	8	Amended PCT claim 8 was copied and claims dependency to claim					
III. All the claims in th corresponding PCT a		ently correspond to the pat	entable claims in the				
/A 41 . 1 . 1 . 1	2. 01		Falaman 0 0044				
I signatura/IVIIChael E	Signature / Michael B. Stewart / Date February 3, 2011						

 $_{(Print/Typed)}^{Name}$ Michael B. Stewart

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE PCT An: SCHRIFTLICHER BESCHEID DER siehe Formular PCT/ISA/220 INTERNATIONALEN RECHERCHENBEHÖRDE (Regel 43bis.1 PCT) Absendedatum (Tag/Monat/Jahr) siehe Formular PCT/ISA/ 210 (Blatt 2) Aktenzeichen des Anmelders oder Anwalts WEITERES VORGEHEN siehe Formular PCT/ISA/220 siehe Punkt 2 unten Internationales Aktenzeichen Internationales Anmeldedatum (Tag/Monat/Jahr) Prioritätsdatum (Tag/Monat/Jahr) PCT/EP2009/057086 09.06.2009 24.06.2008 Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC INV. F02D9/10 Anmelder MAHLE INTERNATIONAL GMBH Dieser Bescheid enthält Angaben zu folgenden Punkten: ☐ Feld Nr. I Grundlage des Bescheids ☐ Feld Nr. II Priorität ☐ Feld Nr. III Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit ☐ Feld Nr. IV Mangelnde Einheitlichkeit der Erfindung □ Feld Nr. V Begründete Feststellung nach Regel 43bis.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung ☐ Feld Nr. VI Bestimmte angeführte Unterlagen ☐ Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung ☐ Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung **WEITERES VORGEHEN** Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1 bis b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden. Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen. Weitere Optionen siehe Formblatt PCT/ISA/220. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220. Name und Postanschrift der Datum der Fertigstellung Bevollmächtigter Bediensteter Internationalen Recherchenbehörde dieses Bescheids

siehe Formular

PCT/ISA/210

Raposo, Jorge

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Europäisches Patentamt

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P.B. 5818 Patentlaan 2

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen PCT/EP2009/057086

_	F	eld	Nr. I Grundlage des Bescheids		
1	. Н	insi	chtlich der Sprache beruht der Bescheid auf		
	☐ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde				
		e S	iner Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die prache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist Regeln 12.3 a) und 23.1 b)).		
2.			vieser Bescheid wurde erstellt unter Berücksichtigung der Berichtigung eines offensichtlichen Fehlers , ie nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 31).		
3.	Hi Wi Wi	nsic urde orde	htlich der Nucleotid- und/oder Aminosäuresequenz , die in der internationalen Anmeldung offenbart und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt n:		
	a.	Art	des Materials:		
			Sequenzprotokoll		
			Tabelle(n) zum Sequenzprotokoll		
	b.	Forr	n des Materials:		
			in Papierform		
			in elektronischer Form		
	c. 2	Zeitp	ounkt der Einreichung:		
			in der eingereichten internationalen Anmeldung enthalten		
			zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht		
	İ		bei der Behörde nachträglich für die Zwecke der Recherche eingereicht		
4.		ode	urden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle gereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten er zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt v. nicht über sie hinausgeht, vorgelegt worden.		
5.	Zus	ätzli	che Bemerkungen:		

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen PCT/EP2009/057086

Feld Nr. V Begründete Feststellung nach Regel 43bis.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit

Ja: Ansprüche <u>1-15</u>

Nein: Ansprüche

_ Erfinderische Tätigkeit

Ja: Ansprüche 1-15

Nein: Ansprüche

Gewerbliche Anwendbarkeit

Ja: Ansprüche: 1-15

Nein: Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Zu Punkt V.

- 1 Es wird auf die folgenden Dokumente verwiesen:
 - D1: DE 103 51 382 A1 (AISAN KOGYO KABUSHIKI KAISHA O [JP]) 27. Mai 2004 (2004-05-27)
- Das Dokument D1, wird als n\u00e4chstliegender Stand der Technik angesehen. Es offenbart (die Verweise in Klammern beziehen sich auf dieses Dokument):

Aktuator, insbesondere für eine Stelleinrichtung (2) eines Fahrzeugs,- mit einem Gehäuse (9), mit einem im Gehäuse (9) angeordneten Elektromotor (11), wobei das Gehäuse (9) eine Einführöffnung (9a) aufweist, durch die der Elektromotor (11) in einen zylindrischen Motoraufnahmeraum des Gehäuses (9) axial einführbar ist, wobei der Elektromotor (11) axial einerseits an einem Boden (10) des Motoraufnahmeraums anliegt und axial andererseits aus der Einführöffnung (9a) herausragt,

von dem sich der Gegenstand des unabhängigen Anspruchs 1 dadurch unterscheidet, daß:

ein an das Gehäuse (8) angeschraubter Deckel (41) zum Verschließen der Einführöffnung (38) vorgesehen ist, an dem der Elektromotor (9) axial anliegt,- wobei das Gehäuse (8) in einem die Einführöffnung (38) aufweisenden axialen Einführabschnitt (42) ein Gewinde (43) aufweist,- wobei der Deckel (41) einen Gewindeabschnitt (44) aufweist, der ein zum Gewinde (43) des Gehäuses (8) komplementäres Gewinde (45) aufweist,- wobei der Deckel (41) einen Topfabschnitt (46) mit einer zylindrischen Wand (47) und einem Boden (48) aufweist, an dem der Elektromotor (9) axial anliegt.

2.1 Der Gegenstand des Anspruchs 1 ist somit neu (Artikel 33 (2) PCT). Die mit der vorliegenden Erfindung zu lösende Aufgabe kann somit darin gesehen werden, daß einen Aktuator der eine vereinfachte Montage ermöglicht.

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE (BEIBLATT)

Internationales Aktenzeichen

PCT/EP2009/057086

- 2.2 Die in Anspruch 1 der vorliegenden Anmeldung für diese Aufgabe vorgeschlagene Lösung beruht aus den folgenden Gründen auf einer erfinderischen Tätigkeit (Artikel 33(3) PCT):aus keinem der im internationalen Recherchenbericht zitierten Dokumente ist ein Hinweis zu entnehmen, der dem Fachmann die Anregung geben würde, die im Dokument D1 beschriebene Aktuator zu modifizieren um die Lösung zu erreichen.
- 2.3 Die Ansprüche 2-15 sind vom Anspruch 1 abhängig und erfüllen damit ebenfalls die Erfordernisse des PCT in bezug auf Neuheit und erfinderische Tätigkeit.

PATENT COOPERATION TREATY

TRANSLATION From the INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing See form PCT/ISA/210 (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION P100A08004WO See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) PCT/EP2009/057086 09.06.2009 24.06.2008 International Patent Classification (IPC) or both national classification and IPC F02D9/10 Applicant MAHLE INTERNATIONAL GMBH This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application FURTHER ACTION 2. If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/EP Date of completion of this opinion Authorized officer Facsimile No. Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057086

Box	x No. l	I Basis of this opinion	
1.	Wit	th regard to the language, this opinion has been established on the basis of:	
	\boxtimes	the international application in the language in which it was filed	
		<u> </u>	which is the language of a
		translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).	
2.		This opinion has been established taking into account the rectification of an obvious mistake auth Authority under Rule 91 (Rule 43bis.1(a))	orized by or notified to this
3.		th regard to any nucleotide and/or amino acid sequence disclosed in the international application a ention, this opinion has been established on the basis of:	nd necessary to the claimed
	a.	type of material	
		a sequence listing	
		table(s) related to the sequence listing	
	b.	format of material	
		on paper	
		in electronic form	
	c.	time of filing/furnishing	
		contained in the international application as filed	
		filed together with the international application in electronic form	
		furnished subsequently to this Authority for the purposes of search	
4.		In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relat furnished, the required statements that the information in the subsequent or additional copies is identical filed or does not go beyond the application as filed, as appropriate, were furnished.	
5.	Add	ditional comments:	
1			

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057086

Box	No. V			ale 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; oporting such statement	;
1.	Statement				
	Novelty	(N)	Claims	1-15	YES
	Inventiv	e step (IS)	Claims	1-15	YES
	Industrial applicability (IA)		Claims	1-15	VEC
2.	Citations ar	d explanations:			
	1			ade to the following document:	
				382 A1 (AISAN KOGYO KABUSHIKI	
		KAIS	HA O	[JP]) 27 May 2004 (2004-05-27)	
	2	Document 1	D1 is	considered to be the closest prior	
		art and d	isclo	ses (the references between	
		parenthese	es re	late to said document):	
		an actuat	or, i	n particular for an adjusting device	
		(2) of a	vehic	le, having a housing (9), having an	
		electric m	motor	(11) which is arranged in the	
		housing (9), w	herein the housing (9) has an	
		insertion	open	ing (9a) through which the electric	
		motor (11) can	be inserted axially into a	
		cylindric	al mo	tor receiving chamber of the housing	
		(9), where	ein t	he electric motor (11) bears axially	
		at one sid	de ag	ainst a base (10) of the motor	
		receiving	chaml	ber and projects axially at the	
		other side	e out	of the insertion opening (9a),	
		from which	h the	subject matter of independent claim	
		1 differs	in t	hat:	

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- a cover (41) which is screwed to the housing (8) is provided for closing off the insertion opening (38), against which cover (41) the electric motor (9) bears axially, wherein the housing (8) has a thread (43) in an axial insertion section (42) which has the insertion opening (38), wherein the cover (41) has a threaded section (44) which has a complementary thread (45) to the thread (43) of the housing (8), wherein the cover (41) has a potshaped section (46) with a cylindrical wall (47) and a base (48) against which the electric motor (9) bears axially.

therefore be considered that of providing an actuator which permits simplified assembly.

- 2.2 The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) for the following reasons: none of the documents cited in the international search report gives any indications which would motivate a person skilled in the art to modify the actuator described in D1 in such a way as to arrive at the solution.
- 2.3 Claims 2-15 are dependent on claim 1 and therefore likewise meet the requirements of the PCT in respect of novelty and inventive step.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

l	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	13/001,196	12/23/2010	Thomas Weber	66814-0125	9590
	•	7590 03/09/201 MAN & GRAUER PL WARD AVENUE	EXAMINER		
	SUITE 140			ART UNIT	PAPER NUMBER
	BLOOMFIELD	O HILLS, MI 48304-06	10	2834	
				NOTIFICATION DATE	DELIVERY MODE
				03/09/2011	FI FCTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@raderfishman.com amd@raderfishman.com bhreceptionist@raderfishman.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS MI 48304-0610

In re Application of

Thomas WEBER

Application No.: 13/001,196

Filed: 23 December 2010

Attorney Docket No.: 66814-0125

For: ACTUATOR

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-2), (5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (3), (4), and (6).

Regarding the requirement of condition (3), PCT/EP2009/057086 published as WO 2009/156268 with non-English claims. As such, it would appear that applicant needs to submit a statement that the English translation of the claims from the PCT application is accurate.

Regarding the requirement of condition (4), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example only, the recitation of "at least partially" in the US claims does not correspond to the PCT claims.

Regarding the requirement of condition (6), applicant has failed to submit a statement that the English translation of the latest international work product is accurate.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Transmittal Letter

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 7, 2011 Signature: /Michael B. Stewart/ (Michael B. Stewart) Docket No.: 66814-0125

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas Weber

Application No.: 13/001,196

Confirmation No.: 9590

Filed: June 9, 2009

Art Unit: 2834

For: ACTUATOR

Examiner: Not Yet Assigned

RESPONSE TO DECISION ON PETITION OF REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL **UNDER 37 CFR 1.102(a)**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on Petition of Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 CFR 1.102(a) dated March 9, 2011, Applicants respectfully submit the following to correct the deficiencies of the original filing:

- 1. Transmittal Letter (1 page),
- 2. Certification and Translation of Application to English Language (22 pages); and
- 3. Certification and Translation of the latest international work product (5 pages)
- 4. Second Preliminary Amendment

In addition to the above, Applicant again submits another copy of the request filed on February 3, 2011.

Application No.: 13/001,196 Docket No.: 66814-0125

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-0013, under Order No. 66814-0125.

Dated: April 7, 2011

Respectfully submitted,

Electronic signature: /Michael B. Stewart/

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC Correspondence Customer Number: 10291

Attorney for Applicant

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012, OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	13/001,196	Filing date:	December 23, 2010			
First Named Inventor:	Thomas Weber					
Title of the Invention: ACTU	ATOR					
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROG IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a.L.	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a.U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s						
The international filir PCT application(s) is	ng date of the corresponding s/are: June 9, 2009					
	Documents: atest international work product (WO/IS/ PCT application(s)	A, WO/IPEA,	or IPER) in the above–identified			
Is <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.			
	aims which were indicated as having no d corresponding PCT application(s).	velty, invent	ive step and industrial applicability in the ,			
Is <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.			
c. English transla language). A s	tions of the documents in a. and b. abov tatement that the English translation is a	ve are attach accurate is at	ed (if the documents are not in the English ttached for the document in b. above.			

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO					
(continued)					
Application No.: 13/001,196					
First Named Inventor: Thomas Weber					
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached					
Has already been filed in the above-identified U.S. application on December 23, 2010					
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 23, 2010					
II. Claims Correspondence Table:					
Claims in US Application Patentable Claims in the corresponding PCT Application PCT Application					
1 - 14 These claims were amended for clarity and to remove multiple dependencies.					
15 1, 2 and 15 Claim 15 was amended to place in independent form and to remove the multiple dependent format.					
16 - 18 3 - 5 These claims correspond to the amended PCT claims and now depend from independent claim 15					
19 6 and 7 Amended PCT claims 6 and 7 were combined and now claim dependency to claim 15 20 8 Amended PCT claim 8 was copied and claims dependency to claim 15					
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature / Michael B. Stewart / Date February 3, 2011					
Name (Print/Typed) Michael B. Stewart Registration Number 36,018					

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the

course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42

U.S.C. 218(c)).

- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Certification Under 37 C.F.R. § 1.52

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 7, 2011 Signature: /Michael B. Stewart/ (Michael B. Stewart)

Docket No.: 66814-0125

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas Weber

Application No.: 13/001,196

Filed: June 9, 2009 Art Unit: 2834

For: ACTUATOR Examiner: Not Yet Assigned

CERTIFICATION UNDER 37 C.F.R. § 1.52

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is to certify that the attached translation from German into English is an accurate representation of the document based on information and belief. This document is designated as:

Written Opinion of the International Searching Authority

The undersigned attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate translation of the specified document."

Dated: April 7, 2011

Respectfully submitted,

Electronic signature: /Michael B. Stewart/

Confirmation No.: 9590

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC Correspondence Customer Number: 10291

Attorney for Applicant

PATENT COOPERATION TREATY

TRANSLATION From the INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing See form PCT/ISA/210 (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION P100A08004WO See paragraph 2 below International filing date (day/month/year) Priority date (day/month/year) International application No. PCT/EP2009/057086 09.06,2009 24.06.2008 International Patent Classification (IPC) or both national classification and IPC F02D9/10 Applicant MAHLE INTERNATIONAL GMBH This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/EP Date of completion of this opinion Authorized officer Telephone No. Facsimile No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057086

Box	No. I	I Basis of this opinion	
1.	Witl	th regard to the language, this opinion has been established on the basis of:	
	\boxtimes	the international application in the language in which it was filed	
		a translation of the international application into translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).	is the language of a
2.		This opinion has been established taking into account the rectification of an obvious mistake authorized Authority under Rule 91 (Rule 43bis.1(a))	by or notified to this
3.		th regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessition, this opinion has been established on the basis of:	essary to the claimed
	a.	type of material	
		a sequence listing	
		table(s) related to the sequence listing	
	b.	format of material	
		on paper	
		in electronic form	•
	c.	time of filing/furnishing	
		contained in the international application as filed	
		filed together with the international application in electronic form	
		furnished subsequently to this Authority for the purposes of search	
4.		In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating th furnished, the required statements that the information in the subsequent or additional copies is identical to the filed or does not go beyond the application as filed, as appropriate, were furnished.	
5.	Add	ditional comments:	

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2009/057086

Box	No. V	Reasoned statement citations and explar	t under Ru nations suj	ale 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; oporting such statement	
1.	Statement				
	Novelty	(N) ·	Claims	1-15	YES
			Claims	· ·	NO
	Inventive step (IS)		Claims	1-15	YES
			Claims		NO
	Industri	al applicability (IA)	Claims	1-15	YES
			Claims		NO
2.	Citations ar	d explanations;			
	1		is m	ade to the following document:	
	-			382 A1 (AISAN KOGYO KABUSHIKI	
				[JP]) 27 May 2004 (2004-05-27)	
	2	Document 1	D1 is	considered to be the closest prior	
		art and d	isclo	ses (the references between	
		parenthese	es re	late to said document):	
		an actuate	or, i	n particular for an adjusting device	
		(2) of a	vehic	le, having a housing (9), having an	
		electric i	motor	(11) which is arranged in the	
		housing (9), w	herein the housing (9) has an	
		insertion	open	ing (9a) through which the electric	
		motor (11) can	be inserted axially into a	
		cylindric	al mo	tor receiving chamber of the housing	
		(9), where	ein t	he electric motor (11) bears axially	
		at one si	de ag	ainst a base (10) of the motor	
		receiving	cham	ber and projects axially at the	
		other side	e out	of the insertion opening (9a),	
				subject matter of independent claim	
		1 differs	in t	hat:	

International application No.
PCT/EP2009/057086

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

a cover (41) which is screwed to the housing (8) is provided for closing off the insertion opening (38), against which cover (41) the electric motor (9) bears axially, wherein the housing (8) has a thread (43) in an axial insertion section (42) which has the insertion opening (38), wherein the cover (41) has a threaded section (44) which has a complementary thread (45) to the thread (43) of the housing (8), wherein the cover (41) has a potshaped section (46) with a cylindrical wall (47) and a base (48) against which the electric motor (9) bears axially.

- 2.1 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

 The problem addressed by the present invention can therefore be considered that of providing an actuator which permits simplified assembly.
- 2.2 The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) for the following reasons: none of the documents cited in the international search report gives any indications which would motivate a person skilled in the art to modify the actuator described in D1 in such a way as to arrive at the solution.
- 2.3 Claims 2-15 are dependent on claim 1 and therefore likewise meet the requirements of the PCT in respect of novelty and inventive step.

Certification Under 37 C.F.R. § 1.52

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: April 7, 2011 Signature: /Michael B. Stewart/ (Michael B. Stewart) Docket No.: 66814-0125

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas Weber

Application No.: 13/001,196

Confirmation No.: 9590

Filed: June 9, 2009

Art Unit: 2834

For: ACTUATOR

Examiner: Not Yet Assigned

CERTIFICATION UNDER 37 C.F.R. § 1.52

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

This is to certify that the attached translation from German into English is an accurate representation of the document based on information and belief. This document is designated as:

Patent for:

ACTUATOR

The undersigned attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate translation of the specified document."

Dated: April 7, 2011

Respectfully submitted,

Electronic signature: /Michael B. Stewart/

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC Correspondence Customer Number: 10291

Attorney for Applicant

ACTUATOR

The present invention relates to an actuator, in particular an adjusting element for a vehicle.

Adjusting elements of this kind can be used in vehicles, for example, as flap actuator device wherein at least one actuating member is a flap by means of which a cross-section through which a flow can pass of a gas-conveying line can be controlled. Such a flap actuator device can be used, for example, in a fresh gas duct or in an exhaust gas duct of an internal combustion engine or in a fuel cell of the vehicle. Also known are adjusting elements for adjusting a guide vane geometry of a turbine of an exhaust gas turbocharger. Furthermore, a so-called "wastegate" of a turbocharger can be actuated by means of such an adjusting element.

The present invention is concerned with the problem to provide, for an actuator of the aforementioned type or, respectively, for an actuating drive equipped therewith, an improved embodiment which is in particular characterized in that it is compact and/or allows a simplified assembly.

This problem is solved according to the invention by the subject matters of the independent claims. Advantageous embodiments are subject matter of the dependent claims.

The invention is based on the general idea to configure for an actuator, the electric motor of which can be inserted through an insertion opening into a housing, a cover for closing the insertion opening as screw cover which has a cup-shaped section comprising a cylindrical wall and a bottom, and which is adjusted in such a manner that the electric motor rests axially on the bottom of the cover when the cover is screwed on. In this manner, an axial preload or bracing of the electric motor can be implemented

with the cover. In particular, manufacturing tolerances can be compensated in this manner to allow a play-free positioning of the electric motor in the housing.

an advantageous embodiment, between the cup-shaped section and a threaded section, the cover can comprise a transition section which is configured as axial tension This transition section is tensioned during spring. tightening the screwable cover, whereby an axial preload force can be applied to the electric motor. At the same time, the resilient transition region allows thermally related relative movements between the electric motor and the housing with cover. Such relative movements can occur during the operation of the actuator due to different thermal expansion coefficients of the electric motor, on the one hand, and the housing as well as the cover, on the other. Since the resilient transition region allows such relative movements and, at the same time, ensures a sufficient axial preload at all times, thermal stress peaks within the actuator can be prevented which supports the durability of the actuator even in an environment with frequently changing temperatures.

Moreover, a cup-shaped trough can be centrally incorporated at the bottom of the cup-shaped section, into which trough a cylindrical projection of the electric motor can project. Said cylindrical projection can involve, for example, a bearing for a drive shaft of the electric motor. The trough integrated in the bottom of the cover thus allows a positioning of the mentioned projection, thus, in particular, of a shaft bearing. This is in particular advantageous for achieving an increased durability in case of high forces or torques.

Further important features and advantages arise from the sub-claims, from the drawings, and from the associated description of the figures based on the drawings.

It is to be understood that the above mentioned features and the features yet to be explained hereinafter can be used not only in the respectively mentioned combination but also in other combinations or alone without departing from the scope of the present invention.

Preferred exemplary embodiments of the invention are illustrated in the drawings and are explained in the following description in more detail, wherein identical reference numbers refer to identical, or similar, or functionally identical components.

In the figures, schematically:

- Fig. 1 shows a perspective view of an adjusting element,
- Fig. 2 shows a perspective, partial cross-sectional view of an actuator,
- Fig. 3 shows a longitudinal section through a gear drive of the actuator,
- Fig. 4 shows a perspective view of the partial cross-section of the actuator in an exploded illustration,
- Fig. 5 shows a perspective, partial cross-sectional view of the actuator,
- Fig. 6 shows a perspective view of the gear drive of the actuator in an exploded illustration of another embodiment,
- Fig. 7 shows a perspective view of the partial cross-section of the actuator of Fig. 6,
- Fig. 8 shows a perspective view of the partial cross-section of the actuator in the region of an electric motor with the insertion opening closed,

Fig. 9 shows a perspective view of the actuator of Fig. 8 in an exploded illustration,

Fig. 10 shows a perspective view of a bevel gear drive,

Fig. 11 shows a top view of the bevel gear drive,

Fig. 12 shows a sectional view of the bevel gear drive,

Fig. 13 shows an enlarged view of a bevel gear of the bevel gear drive,

Fig. 14 shows an enlarged cut-out XIV of the bevel gear of Fig. 13, and $\,$

Fig. 15 shows an enlarged top view of a tooth of the bevel gear according to a viewing direction XV in Fig. 14.

According to Fig. 1, an adjusting element 1 which can be, in particular, permanently mounted in a motor vehicle comprises an actuator 2 and an actuating member arrangement 3. In the example, the actuating member arrangement 3 has a plurality of actuating members 4, here four of them, which are exemplary configured as flaps. Here, the respective respective flap 4, thus the serves member controlling a cross-section through which a flow can pass in a line 5 through which a flow can pass, preferably in a vehicle. For example, the adjusting element 1 is arranged in a fresh gas duct of an internal combustion engine of a vehicle and can be configured there as tumble flap and/or swirl flap. In the example, the adjusting element 1 is integrated in an intake module 6 by means of which fresh gas is distributed to the individual combustion chambers of an internal combustion engine. It is principally also possible to use the adjusting element 1, e.g., for a fuel cell system, for example, for controlling the anode gas or the cathode gas or the exhaust gas.

The adjusting element 1 comprises an actuating shaft 7 by means of which the actuating members 4 can be actuated. Here, the actuating shaft 7 can be rotatably driven about its longitudinal center axis while the actuating members 4 are more or less connected in a rotationally fixed manner to the actuating shaft 7.

The actuator 2 has a housing 8 in which an electric motor 9 is arranged. With the electric motor 9, a driven shaft 10 of the actuator 2 can be rotatably driven. The driven shaft 10 rotates about its longitudinal center axis. For torque transmission between the driven shaft 10 and the actuating shaft 7, a bevel gear drive 11 is provided. The driven shaft 10 and the actuating shaft 7 are oriented relative to one another in such a manner that between a rotation axis 12 of the driven shaft 10 and a rotation axis 13 of the actuating shaft 7 an angle 14 exists which lies in a range of 60° to 120°, inclusively, and which lies in the shown preferred exemplary embodiment at approximately 90°.

According to Fig. 10, the bevel gear drive 11 comprises two bevel gears, namely a first bevel gear 15 and a second bevel gear 16 which are engaged with one another in an engagement region 17 to implement the desired torque transmission between the bevel gears 15, 16. The first bevel gear 15 is fixedly connected to the driven shaft 10 and is arranged coaxially with respect to the rotation axis 12 of the driven shaft 10. In a corresponding manner, the second bevel gear 16 is connected to the actuating shaft 7 in a rotationally fixed manner and oriented coaxially to rotation axis 13 of the actuating shaft 7. rotationally fixed coupling between the respective bevel gear 15, 16 and the respective shaft 7, 10 can be implemented, for example, by a press fit and/or by positive locking. The bevel gears 15, 16 can also be welded and/or glued and/or screwed together with the shafts 7, 10.

According to the Figs. 2 to 7, the electric motor 9 has a rotatably drivable drive shaft 18 which with respect to its rotation axis is advantageously oriented coaxially to the rotation axis 12 of the driven shaft 10. In its housing 8, the actuator 2 contains a planetary gear drive 19. Via said planetary gear drive 19, the drive shaft 18 is drivingly connected with the driven shaft 10. The planetary gear drive 19 has at least one gear stage 20 or 21. In the example, exactly two such gear stages 20, 21 are provided. It is obvious that in other embodiments only one, or three, or more such gear stages 20, 21 can be provided.

Each gear stage 20, 21 has a sun gear 22 or 23 as well as at least two planet gears 24. In the example, each gear stage 20, 21 has three planet gears 24. The respective sun gear 22, 23 is in engagement with the associated planet gears 24. The planet gears 24 are each rotatably mounted on a planet gear carrier 25 and are also in engagement with an annulus gear 26. Here, for both gear stages 20, common annulus gear 26 is provided with which all planet gears 24 of the two gear stages 20, 21 are in engagement. With exactly two gear stages 20, 21, one of them is a drive-side gear stage 20 while the other one is a drivenside gear stage 21. With three or more gear stages 20, 21, between the drive-side and the driven-side gear stages, at least one or more intermediate stages are arranged. In the drive-side gear stage 20, the sun gear 22 is connected to the drive shaft 18 in a rotationally fixed manner. contrast, in the driven-side gear stage 21, the planet gear carrier 25 is connected to the drive shaft 10 in a rotationally fixed manner. Between the driven shaft 10 and the respective planet gear carrier 25, an axial engagement is provided which takes place on a diameter as large as possible to be able to transmit torques as high as possible. This engagement which transmits torques can be configured, for example, as plug connection.

For the preferred embodiment introduced here, the planet gears 24 of the gear stages 20, 21 are identical parts. In addition, the planet gear carriers 25 are configured as identical parts. In the example, the respective planet gear carrier 25 is connected in each case in a rotationally fixed manner to the sun gear 23 of the next following gear stage. This is preferably implemented that of the respective sun gear 23 following stage manufactured integrally with the planet gear carrier 25 of the preceding stage. Since here, the planet gear carriers 25 are identical parts, the planet gear carrier 25 of the driven-side gear stage 21 is also provided with such a sun gear 23 although it basically does not need such a sun gear 23 because the torque transmission to the drive shaft 10 is advantageously not carried out via said additional sun gear 23, but in a different manner, namely preferably on a larger diameter directly via the planet gear carrier 25.

The sun gear 22 of the input-side gear stage 20 is connected to the drive shaft 18 in a rotationally fixed manner and thus is in particular not an identical part to the sun gears 23 of the planet gear carriers 25. In contrast to this, the sun gears 23 of the gear stages following the input-side gear stage 20 can be configured again as identical parts. It is also possible to configure all sun gears 22, 23 as identical parts if they are manufactured separately from the planet gear carriers 25 and are connected during assembly in a suitable and rotationally fixed manner to the drive shaft 18 or the respective planet gear carrier 25.

In the embodiments of the Figs. 3 to 5, the annular gear 26 forms an integral part of the housing 8 which serves for receiving the electric motor 9. In contrast, the Figs. 6 to 7 show an embodiment in which the annular gear 26 is formed within an insert part 27 which forms a separate component with respect to the rest of the housing 8. By using such an

insert part 27, the possibility to preassemble the planetary gear drive 19 can be improved.

According to the Figs 4 to 7, at its front end 28 facing the planetary gear drive 19, the electric motor 9 has at least one, here two recesses 29. In the assembled state, complementary ribs 30 engage axially with said recesses 29. Said ribs 30 are integral parts of the housing 8 or insert part 27. Hereby, in the assembled state, a torque support between the electric motor 9 and the housing 8 or the insert 27 is implemented.

The housing 8 receives the electric motor 9 and the planetary gear drive 19 or, respectively, the insert part 27. According to Fig. 1, the driven shaft 10 extends out of the housing 8 and is connected outside of the housing 8 in a rotationally fixed manner to a drive member which, in the shown example, is formed by the first bevel gear 15. Basically, the drive member drivable by the drive shaft 10 can involve any drive member such as, e.g., a pinion gear, or a lever, or a gear wheel, or a coupling element, or a coupling for direct torque transmission or any combination of the aforementioned drive members.

According to Fig. 2, one of the shafts of the actuator 2 can be equipped within the housing 8 with a signal generator 31. In the example, the driven shaft 10 is connected to the signal generator 31 in a rotationally fixed manner so that a rotation of the driven shaft 10 goes along with a rotation of the signal generator 31. Furthermore, the housing 8 contains a rotation angle sensor 32 which is configured in such a manner that it interacts with the signal generator 31 in a contactless manner. The rotation angle sensor 32 involves in particular a Hall sensor which is also designated hereinafter with 32. The Hall sensor 32 detects changes of a magnetic field. Thus, advantageously, a permanent magnet is used as signal

generator 31, which permanent magnet is also designated with 31. The permanent magnet 31 is connected to the driven shaft 10 in a rotationally fixed manner and is polarized in such a manner that a rotational movement of the driven shaft 10 changes the magnetic field in the region of the Hall sensor 32. Hereby, the Hall sensor 32 can detect the rotation of the driven shaft 10.

To improve the accuracy of the rotation angle sensor 32 or the angular resolution of the rotation angle sensor 32, two They conductive elements 33 are provided here. configured in such a manner that they redirect a magnetic field of the permanent magnet 31 at least partially to the Hall sensor 32. For example, such conductive elements 33 can be made of sheet metal. The conductive elements 33 extend starting from the Hall sensor 32 and radially spaced apart from the permanent magnet 31 and with respect to the axis 12 of the driven axis 10 rotational circumferential direction. For example, each conductive element 33 extends over an angle of approximately 90° so that together, they encompass the permanent magnet 31 over an angle of approximately 180°.

For axial positioning of the conductive elements 33 it can be provided according to Figs. 4 and 5 to axially extend individual teeth 34 of a toothing 35 of the annular gear 26 at a side facing away from the electric motor 9. The respective conductive element 33 can axially abut against said axially extended tooth 34, whereby it is positioned in the housing 8 in a stable manner. Moreover, in the region of the Hall sensor 32, the housing 8 contains a through-opening 36 through which the Hall sensor 32 can project into the interior of the housing 8 and through which the Hall sensor 32 is coupled with an evaluation circuit which is not illustrated or described here in more detail.

According to Fig. 2 it can also be provided to arrange a reset spring 67 within the housing 8, which spring is supported, on the one hand, on the housing 8 and, on the other, on one of the shafts, preferred on the drive shaft 10. By the reset spring 67, the actuator 2 or its driven shaft 10 can be biased into an end position or into a starting position or neutral position lying between two end positions. Hereby, in particular, an emergency function for the respective adjusting element 1 can be implemented in the event that a power outage occurs and the electric motor 9 can not be controlled anymore.

According to the Figs. 8 and 9, a motor receiving compartment 37 is formed for accommodating the electric motor 9 within the housing 8, which compartment advantageously configured cylindrically and into which the electric motor 9 can be inserted through an insertion opening 38 and axially with respect to its drive shaft 18, thus coaxially to the rotational axis 12 of the driven shaft 10. In doing so, in the mounting position shown in Fig. 8, the electric motor 9 abuts axially with its front 28 against a bottom 39 of the motor receiving compartment 37. In contrast to this, at its rear end 40 remote from or facing away from the planetary gear drive 19, the electric motor 9 projects axially out of the insertion opening 38. For closing the insertion opening 38 and for positioning the electric motor 9 within the housing 8, a cover 41 is provided which can be screwed to the housing 8. With its rear end 40, the electric motor 9 abuts axially against said cover 41.

For this, the housing 8 has a thread 43 in an insertion section 42 which includes the insertion opening 38, wherein the thread is preferably configured as external thread 43. Complementary to that, the cover 41 has a threaded section 44 provided with a corresponding thread 45 which is preferably configured as internal thread 45. Furthermore,

the cover 41 has a cup-shaped section 46 which has a cylindrical wall 47 and a bottom 48. In the assembled state, the rear end 40 of the electric motor 9 abuts axially against said bottom 48.

Moreover, the cover 41 has a transition section 49 between the cup-shaped section 46 and the threaded section 44. The transition section is configured as axial tension spring and allows an axial preload of the electric motor 9 against the bottom 39 of the motor receiving compartment 37.

In the shown preferred embodiment, the transition section 49 has an annular collar 50. The latter, on the one hand, is radially fixedly connected, here radially on the inside, to the cup-shaped section 47, and, on the other, radially fixedly connected, here radially on the outside, to the threaded section 44. In particular, the whole cover 41 is made from one piece which integrally comprises the individual sections, thus, the cup-shaped section 46, the threaded section 44, and the transition section 50.

For example, the cover 41 involves a formed sheet metal part or an injection molded part.

The transition section 50 results in an axial positioning of the cup-shaped section 46 relative to the threaded section 44. Furthermore, the transition section 50 is configured in such a manner that an axial distance of the threaded section 44 from the bottom 48 of the cup-shaped section 46 can be increased against a reset force of the transition section 49. Here, the transition section 49 acts like a spring.

Advantageously, the cover 41, housing 8 and electric motor 9 are adapted to one another in such a manner that the tension spring, which is formed by the transition section 49, is tensioned during screwing on, thus when screwing on

the cover 41, thereby generating the desired axial preload of the electric motor 9 against the bottom 39 within the motor receiving compartment 37. With the cover 41 screwed on, the electric motor 9 is then braced between the bottoms 39 and 48.

finding and fixing a desired relative rotational position between cover 41 and housing 8, a latching mechanism can be provided which is not described here in more detail. Such a latching connection comprises at least one radially projecting latching element which, when the desired relative position between housing 8 and cover 41 is reached, latches or snaps into a latching receptacle which is complementary thereto. The respective latching element can be formed as nose, ramp, rib or hemisphere or the like. The respective latching receptacle can be configured as indentation or cavity or the recess, breakout, Advantageously, the at least one latching element is formed on the housing 8 and projects therefrom substantially in the radial direction towards the outside. The associated latching receptacle is provided on the cover 41. As soon as the desired relative rotational position between cover 41 and housing 8 is reached, the respective latching element engages with the associated latching receptacle and secures the cover 41 against an undesired rotation so that the cover 41 can not self-actingly disengage from the housing 8. Alternatively, the latching element can be arranged on the cover 41 and can interact with the latching receptacle arranged on the housing 8.

Particularly advantageous, said latching connection can be utilized for setting a predetermined axial preload of the electric motor 9 against the bottom 39 in the motor receiving compartment 37. For this, the positioning of the latching connection can be adapted to the interacting threads 43, 45 in such a manner that the electric motor 9 reaches the desired axial preloaded exactly at the moment

when the cover 41 latches via the latching connection with the housing 8. This can take place as follows:

After insertion of the electric motor 9 into the motor receiving compartment 37, the cover 41 is placed onto the housing 8 and screwed on. As soon as the electric motor 9 axially abuts, on the one side, against the bottom 39 and, on the other side, against the cover 41 without, however, already transmitting a tensile stress onto the transition section 49, a defined state exists with a predetermined relative position between the cover 41 and the housing 8. Starting from said state, the cover 41 has to be further rotated or screwed by a maximum of 90°, thus by a quarter turn, before the latching connection between cover 41 and housing 8 can snap in. Within said quarter turn, an axial distance between cover 41 and housing 8 is covered which distance depends on the thread pitch and which transmits a defined preload to the transition section 49. For example, the threads 43, 45 interacting with one another can have a pitch of 2 mm. A quarter turn thus results in an axial travel of 0.5 mm. The length tolerance between the maximum length and the minimum length of the electric motor 9 is advantageously maximum 0.5 mm, advantageously less than 0.5 mm, however. Thus, through the proposed construction, the length tolerance of the electric motor 9 can be completely covered within the mentioned quarter turn. If other length tolerances have to be compensated, other adequate thread pitches and/or other rotation ranges can be provided. An electric motor 9 with the minimal length thus has the lowest preload. In contrast, the electric motor 9 with the maximal length is fixed with the highest preload. lowest preload force is configured such that it sufficient for supporting and fixing the electric motor 9. The highest preload force is advantageously configured such that the electric motor 9 is not damaged.

The Figs. 8 and 9 only indicate a latching receptacle designated with 68 which is provided here purely exemplary on the cover 41, namely in the form of an axially open cutout which radially penetrates the cover 41 at a front end facing towards the housing 8. In the predetermined relative position between housing 8 and cover 41, a non-illustrated latching element on the housing side penetrates into said latching receptacle 68.

In the shown example, in the region of the insertion opening 38, a seal 51 is arranged between the insertion section 42 and the cover 41. Particularly advantageous is the embodiment shown here in which the seal 51 is arranged at a transition 52 between the transition section 49 and the threaded section 44. During tightening the cover 41, the seal 51 is compressed whereby the desired tightness can be achieved.

In the shown embodiments, the bottom 48 of the cup-shaped section 46 has a trough 53. The same is arranged centrally with respect to the cover 41 and is formed cup-shaped. A cylindrical projection 54 of the electric motor 9 projects into said trough 53. Said projection 54 extends axially from the rear end 40 of the electric motor 9. projection 54 can comprise, for example, a bearing, which is not shown here in detail, for the drive shaft 18 of the electric motor 9. Advantageously, the projection 54 and the trough 53 are adapted to one another with respect to their dimensions in such a manner that, on the one hand, a radial support of the projection 54 takes place on a wall 55 of the trough 53. On the other hand, the projection 54 is spaced apart in the axial direction from a bottom 56 of the trough 53. Accordingly, the trough 53 is only an alignment of the projection 54 with respect to the rotational axis of the drive shaft 18. The axial bracing of the electric motor 9, however, is carried out outside of the trough 53 via the bottom 48 of the cover 41.

While the cover 41 is made, for example, from a metal, the rest of the housing 8 consists preferably of a plastic. By means of the resilient transition section 49, thermally related expansions which can result in different length changes within the housing 8, the cover 41 and the electric motor 9 can be resiliently absorbed.

In addition, in the assembled state, the cover 41 assumes the function of a heat sink for the electric motor 9 to dissipate the lost energy of the electric motor 9 to the surrounding atmosphere. Here, the heat of the electric motor 9 is transmitted via the surface of its rear end 40 to the surface of the bottom 48 of the cover 41 which, e.g., is made of sheet metal. The heat thus can be dissipated to the surrounding atmosphere whereby the electric motor 9 is cooled.

According to the Figs. 10 to 15, the bevel gears 15, 16 of the bevel gear drive 11 have a special toothing or tooth shape. Fig. 15 shows an individual tooth 57 of one of the bevel gears 15, 16. As can be seen, along its radial profile, said tooth 57 has an outwardly curved or convex tooth flank 58. The tooth flank 58 thus has a curvature 59 which initially increases from one axial end 60 to the other axial end 61 of the respective tooth 57 and then decreases again.

In Fig. 15, a segment of a pitch circle 62 of the respective bevel gear 15, 16 is plotted. As can be seen, the curvature 59 of the tooth flanks 58 is formed in a preferred embodiment in such a manner that, in an intersection 63 with the tooth flank 58, said pitch circle 62 stands perpendicular on a tangent 64 which touches the tooth flank 58 in the intersection 63.

The proposed curved or convex tooth flank geometry of the bevel gears 15 results in a point contact in the engagement

region 17 via the tooth flanks 58. The selected shape for the tooth flanks 58 can compensate position deviations between the rotational axes 12 and 13 of the driven shaft 10 and the actuating shaft 7. For example, the bevel gears 16 are configured for an angle 14 between rotational axes 12, 13 which is, for example, 90° . The design of the bevel gears 15, 16 defines a target state here. However, due to assembly tolerances, after the assembly of the actuator 2 or the adjusting element 1, an actual situation arises which usually deviates from the target specification. Thus, in the assembled state, rotational axes 12, 13 of the driven shaft 10 and the actuating shaft 7 can enclose an angle 14 which deviates from 90°. Furthermore, it might well be the case that the two rotational axes 12, 13 do not intersect, which also results in a positional deviation of the bevel gears 15, 16 which are fixedly connected to the shafts 10, 7. In Fig. 11, positional deviations of the one rotational axis 12, 13 are exemplary illustrated with dotdashed lines which deviations are still tolerable for the toothing of the bevel gear drive 11 proposed herein. The one line 65 defines, for example, a target orientation of the one rotational axis, while the other line 66 represents an actual orientation of the respective rotational axis which is still tolerable. It is also shown that a certain eccentricity between the two rotational axes 12, 13 is tolerable.

Moreover, it is sufficient to tooth one of the two bevel gears 15, 16 in the described manner. However, it is preferred to equip both bevel gears 15, 16 with the described toothing. Preferred is an embodiment in which both bevel gears 15, 16 are configured as identical parts. The bevel gears 15, 16 can in particular be made of plastic, wherein injection molding is preferred.

CLAIMS

- 1. An actuator, in particular for an adjusting element (1) of a vehicle, comprising
 - a housing (8),
 - an electric motor (9) arranged in the housing (8),
 - wherein the housing (8) has an insertion opening (38) through which the electric motor (9) can be axially inserted into a cylindrical motor receiving compartment (37) of the housing (8),
 - wherein the electric motor (9) axially rests on a bottom (39) of the motor receiving compartment (37) on one side and axially projects from the insertion opening (38) on the other side,
 - wherein a cover (41) screwed to the housing (8) is provided for closing the insertion opening (38), on which cover the electric motor (9) rests axially,
 - wherein the housing (8) has thread (43) in an axial insertion section (42) comprising the insertion opening (38),
 - wherein the cover (41) has a threaded section (44) which has thread (45) which is complementary to the thread (43) of the housing (8),
 - wherein the cover (41) has a cup-shaped section (46) with a cylindrical wall (47) and a bottom (48) on which the electric motor (9) rests axially.

2. The actuator according to claim 1,

characterized in

that between the cup-shaped section (46) and the threaded section (44), the cover (41) has a transition section (49) which is configured as axial tension spring.

3. The actuator according to claim 2,

characterized in

that the cover (41), housing (8), and electric motor (9) are adapted to one another in such a manner that the tension spring formed by the transition section (49) tensions during screwing on the cover (41), thereby axially preloading the electric motor (9).

4. The actuator according to claim 2 or claim 3,

characterized in

that the transition section (49) has an annular collar (50) which is radially fixedly connected to the cupshaped section (46) on the one side and radially fixedly connected to the threaded section (44) on the other side.

5. The actuator according to any one of the claims 2 to 4,

characterized in

- that the transition section (49) axially positions the cup-shaped section (46) relative to the threaded section (44),

- that an axial distance of the threaded section (44) from the bottom (48) of the cup-shaped section (46) can be increased against a reset force of the resilient transition section (49).
- 6. The actuator according to any one of the claims 1 to 5,

characterized in

that in the region of the insertion opening (38), between the insertion section (42) and the cover (41), at least one seal (51) is arranged.

7. The actuator at least according to the claims 2 and 6, characterized in

that the seal (51) is arranged at a transition (52) between the transition section (49) and the threaded section (44).

8. The actuator according to any one of the claims 1 to 7,

characterized in

that the bottom (48) of the cover (41) is configured in such a manner that the electric motor (9) rests flatly thereon, such, that the cover (41) works and/or acts as heat conductive element dissipating heat from the electric motor (9).

 The actuator according to any one of the claims 1 to 8, characterized in

that the bottom (48) of the cup-shaped section (46) has a central cup-shaped trough (53) into which a

cylindrical projection (54) of the electric motor (9) projects.

10. The actuator according to claim 9,

characterized in

- that the projection (54) comprises a bearing for a drive shaft (18) of the electric motor (9), and/or
- that the projection (54) is radially supported on a wall (55) of the trough (53), and/or
- that the projection (54) is axially spaced apart from a bottom (56) of the trough (53).
- 11. The actuator according to any one of the claims 1 to 10,

characterized in

that the housing (8) is made of plastic while the cover (41) is made of metal.

12. The actuator according to any one of the claims 1 to 11,

characterized in

that the actuator (2) is an integral part of an adjusting element (1) of a vehicle, which adjusting element has at least one actuating member (4) which can be driven with the actuator (2).

13. The actuator according to claim 12,

characterized in

that the adjusting element (1) is a flap actuator device, the at least one actuating member of which is in each case a flap (4) for controlling a cross-section through which a flow can pass of a line through which a flow can pass.

14. The actuator according to claim 13,

characterized in

that the respective flap (4) is a tumble flap and/or swirl flap in a fresh gas duct of an internal combustion engine of the vehicle, or a throttle flap in a fresh gas duct or in an exhaust gas duct of an internal combustion engine of the vehicle.

15. An adjusting element for adjusting at least one actuating member (4), in particular in a motor vehicle, comprising an actuator (2) according to any one of the claims 1 to 14 for driving the at least one actuating member (4).

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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,196	12/23/2010	Thomas Weber	66814-0125	9590
	7590 04/27/2011 MAN & GRAUER PLLC	EXAMINER		
39533 WOOD	WARD AVENUE	LEUNG, QUYEN PHAN		
SUITE 140 BLOOMFIELI	HILLS, MI 48304-0610	•	ART UNIT	PAPER NUMBER
	, mess, mi roso rosoro		2834	
			NOTIFICATION DATE	DELIVERY MODE
			04/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@raderfishman.com amd@raderfishman.com bhreceptionist@raderfishman.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS MI 48304-0610

In re Application of

Thomas WEBER

Application No.: 13/001,196

Filed: 23 December 2010

Attorney Docket No.: 66814-0125

For: ACTUATOR

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 February 2011 and renewed on 07 April 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

Regarding the requirement of condition (4), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example only, the recitation of "partially threaded" in US claim 15 does not correspond to PCT claim 15.

No further consideration of this matter will be undertaken.

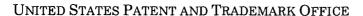
All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

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TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components





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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-2850 FEB 0 9 2012

OFFICE OF PETITIONS

In re Application of

Tamotsu TOYODA et al.

Application No.: 13/001,212

Filed: December 23, 2010

Attorney Docket No.: 148100

For: Laminated Synthetic Resin Bottle...

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 21, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof.

- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
- (8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Petitions Examiner
Office of Petitions



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/001,244	12/23/2010	Makoto Kounosu	P73777US0	9896	
	7590 02/24/2011 HOLMAN PLLC		EXAM	EXAMINER	
400 SEVENTI SUITE 600	H STREET N.W.		ART UNIT	PAPER NUMBER	
WASHINGTO	DN, DC 20004		3749		
			MAIL DATE	DELIVERY MODE	
			02/24/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON DC 20004

In re Application of

KOUNOSU, MAKOTO et al : DECISION ON REQUEST TO Application No. 13/001,244 : PARTICIPATE IN PATENT

Filed: Dec. 23, 2010 : PCT/PROSECUTION HIGHWAY

Attorney Docket No. P73777USO : PROGRAM AND PETITION For: METHOD AND APPARATUS FOR : MAKE SPECIAL UNDER

CORRECTING HELIOSTAT : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 23, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, SPE of Art Unit 3749, and 571-272-6785 for Class 126/601 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856





COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O Box 1450 ALEXANDRIA, VA 22313-1450 www.uspto.gov

MORGAN, LEWIS & BOCKIUS, LLP (SF) ONE MARKET SPEAR STREET TOWER SAN FRANCISCO CA 94105

MAILED

In re Application of

DECISION ON

MAR 022011

TURNER et al

Application No.: 13/001,281

PCT LEGAL ADMINISTRATION

PCT No.: PCT/US2009/048185

PETITION UNDER

Int. Filing Date: 22 June 2009 Priority Date: 20 June 2008

Attorney's Docket No.: NA

For: COMPOSITION AND... DISEASES 37 CFR 1.137(b)

This decision is in response to applicants' "Petition To Revive An Abandoned Application Under 37 CFR 1.137(b)," filed on 23 December 2010.

BACKGROUND

On 22 June 2009, this international application was filed, claiming an earliest priority date of 20 June 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 20 December 2010. This international application became abandoned with respect to the United States at midnight on 20 December 2010 for failure to pay the required basic national fee.

On 23 December 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, inter alia, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Application No.: 13/001,281

2

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276 Facsimile: (571) 272-0459

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MAILED

JUN 08 2011

PCT LEGAL ADMINISTRATION

· In re Application of ZHANG et al

U.S. Application No.: 13/001,298

PCT Application No.: PCT/CA2009/000915

Int. Filing Date: 03 July 2009

Priority Date Claimed: 03 July 2008 :

Attorney Docket No.: 85934-139

For: METHOD AND APPARATUS FOR

EFFECTING A HANDOFF IN A FREQUENCY-

DIVISION MULTIPLEX NETWORK

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 February 2011.

BACKGROUND

On 03 July 2009, applicant filed international application PCT/CA2009/000915, which claimed priority of an earlier United States application filed 03 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 07 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 03 January 2011.

On 23 December 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). However, the submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 January 2011, international application PCT/CA2009/000915 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 January 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 03 February 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

By Bryan Lin

PCT Legal Examiner

PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/001,320	20 12/23/2010 Takeshi Maki	Q121954	1319		
SUGHRUE MIO	•		. EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER	
WASHING LOIN,	DC 20037		3777		
			NOTIFICATION DATE	DELIVERY MODE	
			06/13/2011	ELECTRONIC	

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
 The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
 The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
 The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
 Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-RU (10-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO Dec 23, 2010 Application No: Filing date: **ALEXANDR VOLODIN** First Named Inventor: Title of the BLADE UNIT FOR A SAFETY RAZOR Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. application number(s) is/are: PCT/RU2009/000497 The corresponding PCT The international filing date of the corresponding PCT application(s) is/are: September 28, 2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached. Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Registration Number 59595

U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Ri	EQUES		SPATENT AND THE USP (continued)		
Application No.:	tion No.:				
First Named Inventor:	First Named Inventor: ALEXANDR VOLODIN				
WO/ISA, W Is attached Has alrea (2) Copies of a Are attached Have alrea	O/IPEA ed been all docu hed.	A, IPER) of the correspon In filed in the above-identification Iments (except) for U.S. In filed in the above-identification		on publications)	
II. Claims Corres	ponde	nce Table:			
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence		espondence			
1		1	The claim in US Application and claim in the PCT application are ider		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature /Georgiy Khayet/				Date Dec 23, 2010	

Georgiy L. Khayet

(Print/Typed)

Commissioner for Patents United States Patent and Trademark Office Alexandria, VA

MAILED JUL 29 2011

PCT LEGAL ADMINISTRATION

TECHNOLOGY LAW, PLLC 3595 N. SUNSET WAY SANFORD MI 48657

In re Application of

DECISION ON

RELENYI et al.

Serial No.: 13/001.363

PCT No.: PCT/US10/02650

PETITION UNDER

Int. Filing Date: 30 September 2010

Priority Date: None

Attorney's Docket No.: AMSA-1 US

37 CFR 1.181

For: FORMULATIONS FOR USE IN SULFUR

SCALE CONTROL IN INDUSTRIAL WATER

SYSTEMS

This decision is in response to applicant's "Petition under 37 CFR 1.181" requesting an explanation of the Notice of Insufficient Basic National Fee Required and/or Missing Copy of the International Application Under 35 U.S.C. 371 and 37 CFR 1.495" mailed on 19 April 2011in the above-identified application papers. No petition fee is required.

On 30 September 2010, applicant filed international application PCT/US10/02650, making no priority claim. The thirty month deadline within which to file a national stage entry expires at midnight 30 March 2013.

Thereafter on 23 December 2010, Applicant filed a transmittal letter with an express request to begin national examination procedures in the United States (PTO-1390) accompanied by, inter alia, the basic national fee.

On 19 April 2011, a Notice of Insufficient Basic National Fee Required and/or Missing Copy of the International Application under 35 U.S.C. 371 and 37 CFR 1.495 was mailed to applicant. Thereafter on 25 April 2011, applicant made the instant inquiry regarding the reason for the notice.

A review of the national stage application papers filed on 23 December 2010 indicates that a copy of the international application was not required as the PCT application was filed with the United States Receiving Office. The basic national fee was paid. The executed declaration under PCT Rule 4.17 was submitted.

The filing date of the application is the international filing date, 30 September 2010. The 35 U.S.C. 371 date is the date that all of the requirements of 35 U.S.C. 371(c) are completed. See MPEP §1893.03(b) regarding The Filing Date of a U.S. National Stage Application.

App. No: 13/001,363

The Notice mailed to applicant is advisory in nature. As stated above, applicant has provided the basic national fee and copy of the international application.

Applicant's petition under 37 CFR 1.181 is **DISMISSED WITHOUT PREJUDICE.**

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor PCT Legal Office Office of PCT Legal Administration

Telephone: 571-272-3286

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (01-10)

Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO					
Application No:	PCT/JP2009/061307	Filing date:	22. 06. 2009		
First Named Invent	Kota IWAMOTO et al.	Kota IWAMOTO et al.			
Title of the CONTENT REPRODUCTION ORDER DETERMINATION SYSTEM, AND METHOD AND PROGRAM THEREOF					
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML					
	REBY REQUESTS PARTICIPATION IN THE PO FIED APPLICATION SPECIAL UNDER THE PC				
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding PCT PCT/JP2009/061307 application number(s) is/are:					
The international date of the corresponding PCT application(s) is/are: 22. 06. 2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.					
Is <u>not</u> a	Is <u>not</u> attached because the document is already in the U.S. application.				
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is <u>not</u> attached because the document is already in the U.S. application.					
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.					
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached					
Has already been filed in the above-identified U.S. application on					
(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached.					
Have	e already been filed in the above-identified U.S. a	application on			

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO

(continued)

Application No.: PCT/JP2009/061307

First Named Inventor: Kota IWAMOTO et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Both claims are identical content except the claim format.
2	2	Both claims are identical.
3-12	3-12	Each claim in US appln is identical in content to the claim in PCT appln. except the claim format and the multiple dependency is removed
13, 14	13, 14	Each claim in the US appln is identical to the claim in the PCT appln.
15-24	15-24	Each claim in the US appln is identical in content to the claim in the PCT appln. except multiple dependencies removed
25	25	Both claims are identical content except for having changed the claim category.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) must be paid via EFS-Web (using credit card, authorization to charge a deposit account, or electronic funds transfer).

Signature / J. Warren Lytle, Jr./	_{Date} December 23, 2010
Name (Print/Typed) J. Warren Lytle, Jr.	Registration Number 39,283

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,399	03/09/2011	Kota Iwamoto	Q122188	1002
23373 SUGHRUE M	7590 11/03/2011		EXAM	INER
	LVANIA AVENUE, N.W.		TOPGYAL,	GELEK W
SUITE 800 WASHINGTO	N DC 20037		ART UNIT	PAPER NUMBER
WASHINGTO	14, DC 20031		2481	
			NOTIFICATION DATE	DELIVERY MODE
			11/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com sughrue@sughrue.com PPROCESSING@SUGHRUE.COM





UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 0 1 2011

DIRECTOR OFFICE TECHNOLOGY CENTER 2406

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

www.usplo.gov

SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON DC 20037

In re Application of: **Kota Iwamoto et al.** Application No. 13001399

Filed: March 09, 2011

Attorney Docket Number: Q122188

For: CONTENT REPRODUCTION
ORDER DETERMINATION SYSTEM,
AND METHOD AND PROGRAM
THEREOF

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 23, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

Application SN: 13001399
Decision on Petition

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen Quality Assurance Specialist Technology Center 2400



MAILED

FEB 222012

PCT LEGAL ADMINISTRATION

AHMAD AMIRI 21 DUNLOP ST. # 207 RICHMOND HILL, ON L4C-2M6 **CANADA**

In re Application of AMIRI, Ahmad

Application No.: 13/001,419

PCT No.: PCT/CA2009/000671 Int. Filing Date: 22 May 2009

Priority Date: 25 June 2008

Attorney Docket No.: PPT-PCT-US PEOPLE & CARGO TRANSIT

SYSTEM & VEHICLES

DECISION

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 10 February 2012.

BACKGROUND

On 22 May 2009, applicant filed international application PCT/CA2009/000671 which designated the U.S. and claimed a priority date of 25 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010 (25 December 2010 being a Saturday).

On 24 December 2010, applicant filed, inter alia, a transmittal letter for entry into the national stage in the United States and the U.S. Basic National Fee.

On 01 February 2011, the United States Designated/Elected Office (DO/EO/US) issued a Notification of Insufficient Fees (Form PCT/DO/EO/923) indicating, inter alia, that applicant must submit either additional claim fees, including any multiple dependent claim fee, of \$585 or cancel the additional claims for which fees are due. The Notification set a two-month extendable period for response.

On 07 November 2011, the DO/EO/US issued a NOTIFICAITON OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application is abandoned as to the United States of America for failure to reply to the Notification mailed 01 February 2011.

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On 10 February 2012, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the additional claims for which fees were due were canceled and the multiple dependent claim was amended to remove the multiple dependency on 10 February 2012.

As to item (2), the petition fee was paid on 10 February 2012.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Doc Code: PPH.PET.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Re: H	QUE	ST FOF VAY (P	R PARTICIPATION IN THE CT-PPH) PILOT PROC	IE PATENT COOPE GRAM BETWEEN THE USPTC	THE JAPAN	REATY - PATENT PROSECUTION N PATENT OFFICE (JPO) AND
Applicatio	n No.	:	13/001,487		Filing Date:	December 27, 2010
First Nam	ied Inv	/entor:	Osamu WAKISAKA et al.			
Attorney [Docke	t No.:	148073			
Title of the Invention:			MODIFIED NATURAL RUBBE RUBBER LATEX	ER PARTICLE, PRODU	CTION METH	OD THEREOF, AND MODIFIED NATURAL
SUBMITT	TED V	IA EFS-W	ARTICIPATION IN THE PCT-P VEB. INFORMATION REGARD GOV/EBC/EFS_HELP.HTML.	PH PILOT PROGRAM DING EFS-WEB IS AVA	ALONG WITH	THE REQUIRED DOCUMENTS MUST BE
APPLICA	ANT	HEREBY		ON IN THE PCT-PPH IDER THE PCT-PPH I	PROGRAM / PROGRAM.	AND PETITIONS TO MAKE THE
of anothe domestic priority c to (4) ab	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corrapplicat			PCT s) is/are:	PCT/JP2009/062530)	
The inte			te of the corresponding s/are:	7/9/2009		
I.	a. D b.	A copy corresp Is attach Is not at A copy the about Is attach Is not at	ned. tached because the docume of all claims which were in ove-identified corresponding ned. tached because the docume	ent is already in the Undicated as having in the Unger point of the point of the Unit of t	J.S. application novelty, investing investing in the solution of the solution	entive step and industrial applicability in
	c.	English English b. abov	n language). A statement t	ments in a. and b. ab that the English tran [Page 1 of 2]	ove are atta	sched (if the documents are not in the courate is attached for the document in

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO (continued)					
Application No.:	Dilication No.: 13/001,487				
First Named Inven		nu WAKISAKA et al.			
d. (1) A	An informa	ation disclosure stateme SA, WO/IPEA, IPER) of t	nt list ne cor	ing the documents cited in the international work products responding PCT application.	
•	s attached				
⊠ H	Has alread	y been filed in the above-i	dentifie	ed U.S. application on <u>1/3/2011 and 6/16/2011</u> .	
(2)	Copies of	all documents (except) f	or U.S	patents or U.S. patent application publications)	
	Are attache	ed.			
⊠ H	Have alrea	dy been filed in the above	-identi1	fied U.S. application on <u>1/3/2011 and 6/16/2011</u> .	
II. Claims Cor	responde	ence Table:			
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence				anation regarding the correspondence	
1		1	Both	claims are the same.	
2 (Canceled)		2 (Canceled)			
3		3		claims are the same.	
4		4		claims are the same.	
5		5	Both	claims are the same.	
	 -				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature ANAM Date 7/14/11					
Name (Print/Typed)	James A	. Oliff		Registration Number 27,075	
Name (Print/Typed)					

[Page 2 of 2]

OLIFF & BERRIDGE, PLC P.O. Box 320850

Alexandria, Virginia 22320-4850 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/001,487 12/27/2010		Osamu Wakisaka	148073	1945	
	7590 08/11/2011		EXAM	INER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850			KAUCHER	KAUCHER, MARK S	
ALEXANDRIA	LEXANDRIA, VA 22320-4850	ART UNIT	PAPER NUMBER		
			1764		
			NOTIFICATION DATE	DELIVERY MODE	
			08/11/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com jarmstrong@oliff.com





Alexandria, VA 22313-1450 www.uspto.gov

AUG 1 1 2011

WG

In re application of

Osamu Wakisaka et al.

Serial No. 13/001,487

Filed: December 27, 2010

For:

MODIFIED NATURAL RUBBER

PARTICLE, PRODUCTION METHOD

THEREOF, AND MODIFIED NATURAL:

RUBBER LATEX

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed July 14, 2011, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 13/001,487

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700

MAILED

OCT 252011

PCT LEGAL ADMINISTRATION

BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623

In re Application of

AALTONEN et al.

Application No.: 13/001,519

PCT No.: PCT/EP2009/058137

Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48763

For: PROFILING METHOD AND SYSTEM

DECISION

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 August 2011 in the United States Patent and Trademark Office (USPTO).

The NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) issued 24 August 2011 was issued in error. The NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) issued 24 January 2011 set a two-month extendable period for reply. Applicants filed a proper response and a petition/fee for a five-month extension of time on 24 August 2011. Accordingly, the response was timely and the application did not go abandoned. The NOTIFICATION OF ABANDONMENT issued 24 August 2011 is hereby <u>VACATED</u>.

BACKGROUND

On 29 June 2009, applicants filed international application PCT/EP2009/058137, which designated the United States and claimed a priority date of 27 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010.

On 27 December 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 24 August 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and two declarations of facts by S. Scott Heine with documents in support of each of the declarations.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied. Item (2) has been satisfied as well. Regarding non-signing inventor Timo AHOPELTO, it has been established that he has been presented with the application papers. Mr. AHOPELTO's response via e-mail constitutes a refusal to sign. Regarding non-signing inventor Pekka ALA-PIETILA, it has been established that he has also been presented with the application papers. Mr. ALA-PIETILA's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 24 August 2011.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED

OCT 252011

PCT LEGAL ADMINISTRATION

Mr. Timo Ahopelto Myllytie 6 B 8 Helsinki, 00140 FINLAND

In re Application of AALTONEN et al.

Application No.: 13/001,519 PCT No.: PCT/EP2009/058137 Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48763

For: PROFILING METHOD AND SYSTEM

Dear Mr. Ahopelto:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OCT 252011

PCT LEGAL ADMINISTRATION

Mr. Pekka Ala-Pietila Ritarikatu 7 A 5 Helsinki, 00170 FINLAND

In re Application of AALTONEN et al.

Application No.: 13/001,519 PCT No.: PCT/EP2009/058137 Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48763

For: PROFILING METHOD AND SYSTEM

Dear Mr. Ala-Pietila:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
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BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623



MAILED

OCT 252011

PCT LEGAL ADMINISTRATION

BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623

In re Application of

SARU et al.

Application No.: 13/001,529

PCT No.: PCT/EP2009/058135

Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48764

For: PROFILING METHOD AND SYSTEM

DECISION

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 18 August 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 June 2009, applicants filed international application PCT/EP2009/058135, which designated the United States and claimed a priority date of 27 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 December 2010.

On 27 December 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 18 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 18 August 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, two declarations of facts by S. Scott Heine with documents in support of each of the declarations.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied. Item (2) has been satisfied as well. Regarding non-signing inventor Timo AHOPELTO, it has been established that he has been presented with the application papers. Mr. AHOPELTO's response via e-mail constitutes a refusal to sign. Regarding non-signing inventor Pekka ALA-PIETILA, it has been established that he has also been presented with the application papers. Mr. ALA-PIETILA's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 18 August 2011.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



MAILED

OCT 252011

PCT LEGAL ADMINISTRATION

Mr. Timo Ahopelto Myllytie 6 B 8 Helsinki, 00140 FINLAND

In re Application of SARU et al.

Application No.: 13/001,529 PCT No.: PCT/EP2009/058135 Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48764

For: PROFILING METHOD AND SYSTEM

Dear Mr. Ahopelto:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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Telephone: (571) 272-3301

BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623



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OCT 252011

PCT LEGAL ADMINISTRATION

Mr. Pekka Ala-Pietila Ritarikatu 7 A 5 Helsinki, 00170 FINLAND

In re Application of SARU et al.

Application No.: 13/001,529 PCT No.: PCT/EP2009/058135 Int. Filing Date: 29 June 2009 Priority Date: 27 June 2008

Attorney Docket No.: 45230/48764

For: PROFILING METHOD AND SYSTEM

Dear Mr. Ala-Pietila:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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BARNES & THORNBURG LLP 1717 Pennsylvania Ave. NW SUITE 500 WASHINGTON DC 20006-4623



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,579	01/06/2011	Ky Youb Nam	87828(301264)	2475
Edwards Wildma		1 .	EXAMI	NER
P.O. Box 55874 Boston, MA 022			ART UNIT	PAPER NUMBER
			2857	
			NOTIFICATION DATE	DELIVERY MODE
		•	11/21/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

1.

The petition was not filed in sufficient time to permit the appropriate officials to recognize the

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1arnes

abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone in cuiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch Office of Data Management



MAIL

WORKMAN NYDEGGER 1000 Eagle Gate Tower 60 East South Temple Salt Lake City UT 84111 APR 0 4 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of

AONO, TOMOTAKE et al. Application No. 13/001591 Filed: 12/27/2010

Attorney Docket No. 18360.10

DECISION ON REQUEST TO

PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 24, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,595	12/27/2010	Tomotake Aono	18360.12	2609
⁵²⁰⁰⁵ WORKMAN N 1000 Eagle Gat			EXAM	IINER
60 East South 7	emple		ART UNIT	PAPER NUMBER
Salt Lake City,	UT 84111		2629	
			NOTIFICATION DATE	DELIVERY MODE
			09/14/2011	FLECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing@wnlaw.com WN_Status@WNLaw.com





WORKMAN NYDEGGER 1000 Eagle Gate Tower 60 East South Temple Salt Lake City UT 84111

In re Application of

Tomotake AONO

Application No.: 13/001,595 Filed: 27 December 2010

Attorney Docket No.: 18360.12

For: INPUT APPARATUS AND

CONTROL METHOD OF INPUT

APPARATUS

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 24 February 2011, to make the above-identified application special.

The request and petition are GRANTED.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS, Technology Center 2600



LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK NY 10016 **MAILED**

JUN 20 2011

PCT LEGAL ADMINISTRATION

In re Application of GIANNINI et al.

Application No.: 13/001,652

PCT No.: PCT/EP2009/058205

Int. Filing Date: 30 June 2009 Priority Date: 04 July 2008

Attorney Docket No.: 1108.1077
For: ARYL ISOXAZOLE COM

: ARYL ISOXAZOLE COMPOUNDS WITH :

ANTITUMOURAL ACTIVITIES

DECISION REGARDING

SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 02 May 2011 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 30 June 2009, applicant filed international application PCT/EP2009/058205 which claimed a priority date of 04 July 2008. On 07 January 2010, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau. The deadline for payment of the basic national fee was 04 January 2011 (thirty months from the priority date).

On 28 December 2010, applicant filed a request for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 02 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497. The notification set a two-month time limit in which to respond.

On 02 May 2011, applicant filed a declaration executed by the five joint-inventors and Gabriella Singrossi, Silvia Carminati, and Guiseppe Paolo Carminati on behalf of deceased inventor, Paulo Carminati.

Application No.: 13/001,652

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 02 May 2011 was executed by Gabriella Singrossi, Silvia Carminati, and Guiseppe Paolo Carminati as "legal representatives" to the deceased inventor, Paolo Carminati. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459



PRICE HENEVELD COOPER DEWITT & LITTON, LLP. 695 KENMOOR, S.E. P O BOX 2567 **GRAND RAPIDS MI 49501**

MAILED

MAR 1 1 2011

In re Application of

OFFICE OF PETITIONS

VANDERBURGH, Albert H. Application No. 13/001,656

DECISION ON PETITION

Filed: December 28, 2010

TO MAKE SPECIAL UNDER

Attorney Docket No. RID002 P304

37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 28, 2010, to make the aboveidentified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Albert Vanderburgh, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Tredelle Dank Paralegal Specialist

Office of Petitions

Frommer Lawrence & Haug 745 Fifth Avenue 10th Fl. New York NY 10151

MAILED

JUN 142011

PCT LEGAL ADMINISTRATION

In re Application of:

JEON et al.

U.S. Application No.: 13/001,752 PCT No.: PCT/KR2008/005733

International Filing Date: 29 September 2008

Priority Date: 04 July 2008

Attorney's Docket No.: 930086-2178

For: CYLINDRICAL MAGNETIC LEVITATION

STAGE

DECISION ON PETITIONSUNDER 37 CFR 1.497(d)

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.497(d)" filed 01 April 2010. The \$130 petition fee has been submitted. Additionally, this decision is issued in response to applicant's request to change the order of inventors considered herein.

BACKGROUND

On 29 September 2008, applicant filed international application PCT/KR2008/005733 which claimed a priority date of 04 July 2008. The international application named Dong Yeon LEE as one of the eight applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 04 January 2011.

On 28 December 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, the requisite basic national fee, a copy of the international application, an application data sheet, and a preliminary amendment.

On 02 February 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 April 2011, applicant filed the present "Petition to Correct Inventorship under 37 CFR 1.497(d)" considered herein.

Application No.: 13/001,752

DISCUSSION

A. Petition under 37 CFR 1.497(d)

The published international application identified eight applicants/inventors for the United States. The present submission seeks to correct the inventorship so as to delete inventor Dong Yeon LEE from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

- (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
 - (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in § 1.17;
 - (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter); and
 - (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants have submitted a statement from the persons being deleted (Dong Yeon LEE) as an inventor in compliance with 37 CFR 1.497(d)(1). The \$130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. Additionally, applicant has submitted the consent of the assignee to the requested correction of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b). Lastly, applicant has submitted a declaration executed by Jeong Woo JEON, Hyun Seok OH, Sung Il CHUNG, Yeon Ho JEONG, Do Hyun KANG, S.A. NIKIFOROV, and Mitica CARAIANI. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

Application No.: 13/001,752

B. Order of Inventors

Applicants' petition requests that the order of the inventors for the present application be changed to the following: Jeong Woo JEON, Hyun Seok OH, Sung Il CHUNG, Yeon Ho JEONG, Do Hyun KANG, S.A. NIKIFOROV, and Mitica CARAIANI. The seven inventors were listed in this order in the published international application, in the original ADS filed on 28 December 2010, and the order corresponds to the order in which the inventors are listed on the executed declaration filed herein.

MPEP section 605.04(f) states as follows (emphasis added):

The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 CFR 1.182 is granted.

As set forth above, the order of names requested by applicants in the present petition corresponds to the order in which these inventors are listed on the declaration filed on 28 December 2010. Because the USPTO takes the order of the inventors from the declaration, no petition is required for the inventors to be listed in the requested order. Applicants' petition is therefore appropriately dismissed as moot.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Applicants' "Petition To Change Order Of Inventors" is DISMISSED AS MOOT.

The order of the inventors' names for the present application is taken from the declaration filed on 28 December 2010 and corresponds to the order requested in applicants' petition, that is: Jeong Woo JEON, Hyun Seok OH, Sung Il CHUNG, Yeon Ho JEONG, Do Hyun KANG, S.A. NIKIFOROV, and Mitica CARAIANI.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 December 2010.

Anthony Smith

Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

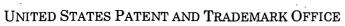
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,774	12/28/2010	Yoshiyuki Hatakeyama	Q122274	4248
SUGHRUE MI	7590 03/10/201 ON, PLLC LVANIA AVENUE, N	EXAMINER		
SUITE 800	LVANIA AVENUE, N	κ. 	ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 20037		3766	
			`	
			NOTIFICATION DATE	DELIVERY MODE
			03/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com PPROCESSING@SUGHRUE.COM USPTO@SUGHRUE.COM





SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON DC 20037

In re Application of:

HATAKEYAMA, YOSHIYUKI et al

Serial No.: 13/001,774 Filed: Dec. 28, 2010

Docket: Q122274

Title: DROWSINESS DETECTOR

:: DECISION ON REQUEST

TO PARTICIPATE IN

:: PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE

SPECIAL UNDER 37 CFR

1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Dec, 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate:
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Carl Layno, SPE of Art Unit 3766, and 571-272-4949 for Class 600/509 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856 Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	Г-РРН) PILOT PROGRAM BETWEEN		N TREATY - PATENT PROSECUTION OPEAN PATENT OFFICE (EPO) AND		
Application No:		Filing date:			
First Named Inventor:	Noel Caplice				
Title of the PRIMITIVE Invention:	VASCULAR PROGENITOR CELLS AN	ND USES TI	HEREOF		
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGF IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	RAM ALONG V AVAILABLE A	WITH THE REQUIRED DOCUMENTS MUST BE AT		
	TREQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC				
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a U	ation which claims priority to the correspond ity to the corresponding PCT application, or responding PCT application, or (5) a continu	ing PCT appl (4) a nationa uing applicatio	ng PCT application, or (2) a national stage entry ication, or (3) a national application that claims I application which forms the basis for the on of a U.S. application that satisfies one of (1) visional application which forms the basis for		
The corresponding P application number(s					
	The international date of the corresponding PCT application(s) is/are: June 30, 2009				
corresponding Is attached	atest international work product (WO/ISA PCT application(s)		,		
—	ed because the document is already in the U				
	 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 				
Is <u>not</u> attache	ed because the document is already in the U	J.S. applicatio	on.		
	tions of the documents in a. and b. abov tatement that the English translation is a		ed (if the documents are not in the English tached for the document in b. above.		

Registration Number 34,235

U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

R	REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO			
			(continued)	
Application No.:				
First Named Inventor:	Noel C	aplice		
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on II. Claims Correspondence Table:				
Claims in US Appli	cation	Patentable Claims in the corresponding PCT Application	Explanation regarding the corr	espondence
39		1	lde	entical claim
40		2	ldentical claim wit	h dependency renumbered
41		3	Similar claim, mul	tiple dependency removed
42		4, 5	Similar claim, mul	tiple dependency removed
43		6	Similar claim, mul	tiple dependency removed
44		7	Similar claim, mul	tiple dependency removed
45		9	ld€	entical claim
46		10	Identical claim wit	h dependency renumbered
47		11	Identical claim wit	h dependency renumbered
48		25	Identical claim wit	h dependency renumbered
49		26	Identical claim wit	h dependency renumbered
50		27	ld€	entical claim
51		31	ld€	entical claim
52		32	Identical claim wit	h dependency renumbered
53		33	ld€	entical claim
54		34	ld€	entical claim
55		35	Similar claim, mul	tiple dependency removed
56		36	lde	entical claim
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.			
/David S.	. RESN	ICK, Reg. No. 34,235/		December 29, 2010

Name

(Print/Typed)

David S. RESNICK

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Alexandria, VA 22313-1450
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DECISION ON PETITION

JUN 08 2011

COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary NC 27518

PCT LEGAL ADMINISTRATION

In re Application of: HE, Xin, et al.

U.S. Application No.: 13/001,894

PCT No.: PCT/EP2009/058282 International Filing Date: 01 July 2009

Priority Date: 07 July 2008

Attorney's Docket No.: 6275-051/S5151-US/iz

For: DIGITAL MODULATOR

This decision is issued in response to applicants' "Petition To Change Order Of Inventors" filed 22 March 2011. No petition fee is required.¹

BACKGROUND

On 01 July 2009, applicants filed international application PCT/EP2009/058282. The application claimed a priority date of 07 July 2008, and it designated the United States. On 14 January 2010, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was 30 months from the priority date, i.e., 07 January 2011.

On 29 December 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS).

On 25 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 22 March 2011, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration, a supplemental ADS, and the "Petition To Change Order Of Inventors" considered herein.

DISCUSSSION

Applicants' petition requests that order of the inventors for the present application be changed to the following: (1) Xin HE; (2) Jan VAN SINDEREN; (3) Manuel COLLADOS ASENSIO; and (4) Nenad PAVOLVIC. The four inventors were listed in a different order in the published international application and in the original ADS filed on 29 December 2010;

¹ Applicants submitted a \$130 petition fee with the present petition. This fee will be refunded to applicants.

however, the order requested by applicants corresponds to the order in which the inventors are listed on the executed declaration filed herein.

MPEP section 605.04(f) states as follows (emphasis added):

The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. Care should therefore be exercised in selecting the preferred order of the typewritten names of the joint inventors, before filing, as requests for subsequent shifting of the names would entail changing numerous records in the Office. Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 CFR 1.182 is granted.

As set forth above, the order of names requested by applicants in the present petition corresponds to the order in which these inventors are listed on the declaration filed on 22 March 2011. Because the USPTO takes the order of the inventors from the declaration, no petition is required for the inventors to be listed in the requested order. Applicants' petition is therefore appropriately dismissed as moot.

CONCLUSION

Applicants' "Petition To Change Order Of Inventors" is DISMISSED AS MOOT.

The order of the inventors' names for the present application is taken from the declaration filed on 22 March 2011 and corresponds to the order requested in applicants' petition, that is: (1) Xin HE; (2) Jan VAN SINDEREN; (3) Manuel COLADOS ASENSIO; and (4) Nenad PAVOLVIC.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 March 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON DC 20036

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of

Michitaka Hattori, et al.

Application No. 13/001,912

Filed: December 29, 2010

Attorney Docket No. 101541

DECISION GRANTING PETITION

UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 21, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. \(^1\)

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1743 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/ Terri Johnson Petitions Examiner Office of Petitions

The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/001,932 12/29/2010 Pascale Demome		Pascale Demoment	8674-000086/US/NP 5618		
27572	7590 08/26/2011		EXAM	IINER	
P.O. BOX 828		,	CALDAROL	A, GLENN A	
BLOOMFIELI	O HILLS, MI 48303	·	ART UNIT	PAPER NUMBER	
•			1771		
			MAIL DATE	DELIVERY MODE	
			08/26/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

wk

DECISION ON

PETITION

Mailed: 8/26/1/
In re application of

Demoment

Serial No. 13/001,932

Filed: 12/29/2010

For: AVIATION GASOLINE FOR AIRCRAFT PISTON ENGINES, PREPARATION PROCESS

THEREOF

This is a decision on a PETITION filed March 25, 2011, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that the 12 pages of drawings dated December 29, 2010 be expunged.

The petition is **GRANTED**.

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

13/001,932

The images will be removed from the Official file.

/Yvonne Eyler/ Director, Technology Center 1700 Chemical and Materials Engineering

Monte L. Falcoff HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS MI 48303



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,933	12/29/2010	2010_1877A	5622	
	7590 07/11/201 H, LIND & PONACK L		EXAM	INER
1030 15th Stree Suite 400 East	·		ART UNIT	PAPER NUMBER
Washington, D	C 20005-1503		2484	
			NOTIFICATION DATE	DELIVERY MODE
			07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com eoa@wenderoth.com

MAILED



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 08 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kenneth W. Fields WENDEROTH, LIND, & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503

In re Application of: FUJIWARA, K.

Application No.: 13/001,933 Filed: December 29, 2010

For: DATA RECORDING APPARATUS, DATA RECORDING METHOD AND

PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 24, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist Technology Center 2400 Networking, Multiplexing, Cable and Security



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,933	12/29/2010	Kazunari Fujiwara	. 2010_1877A	5622
	7590 07/11/2011 I, LIND & PONACK L.L.	Р.	EXAM	INER
Suite 400 East			ART UNIT	PAPER NUMBER
Washington, D	C 20005-1503		2484	
			NOTIFICATION DATE	DELIVERY MODE
			07/11/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com eoa@wenderoth.com





UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 08 2011 DIRECTOR OFFICE TECHNOLOGY CENTER 2400

> Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Kenneth W. Fields WENDEROTH, LIND, & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503

In re Application of: FUJIWARA, K. Application No.: 13/001,933

Filed: December 29, 2010

For: DATA RECORDING APPARATUS, DATA RECORDING METHOD AND

PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 24, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of: (a) the allowable/patentable claim(s) from the Japanese application(s), (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s), (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language) and (c) a statement that the English translation is accurate.
- (6) Applicant must submit: (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application) and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist Technology Center 2400 Networking, Multiplexing, Cable and Security



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,935	12/29/2010	Jeffrey Birkin	CGREA.00001	5626
	7590 04/06/2011 CAHOON, LLP ROAD, SUITE 900		EXAM	INER
DALLAS, TX			ART UNIT	PAPER NUMBER
		•	2841	
			MAIL DATE	DELIVERY MODE
			04/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CARSTENS & CAHOON, LLP 13760 NOEL ROAD, SUITE 900 DALLAS TX 75240

In re Application of

Jeffrey BIRKIN

Application No.: 13/001,935

Filed: 29 December 2010

Attorney Docket No.: CGREA.00001

For: LOCATION INDICATOR DEVICE

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed 07 January 2011.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;
- (2) Applicant must submit a copy of:
 The allowable/patentable claim(s) from the UK IPO application(s);
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
 - b. Submit a claims correspondence table;
- (4) Examination of the U.S. application has not begun;
- (5) The required petition fee under 37 CFR 1.17(h).
- (6) Applicant must submit:

A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents.

(7) Applicant must submit:

- a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application); and
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application)

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Any inquiry regarding this decision should be directed to Lee W. Young, Quality Assurance Specialist, at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS

Technology Center 2800 – Semiconductors Electrical & Optical Systems & Components





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

STAAS & HALSEY LLP **SUITE 700** 1201 NEW YORK AVENUE NW **WASHINGTON DC 20005**

> MAILED MAR 2 1 2012 OFFICE OF PETITIONS

> > **DECISION**

ON PETITION

In re Application of

Hattori, et al.

Application No. 13/001,946

Filed: December 29, 2010

Attorney Docket Number: 1752-0243PUS1

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 29, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- The fee set forth in 37 C.F.R. 1.17(h); **(1)**
- **(2)** Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

Commissioner for Patents

PO Box 1450

Alexandria VA 22313-1450

By FAX:

571-273-8300

Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2835 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees

Petitions Examiner Office of Petitions Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO						
Application No:	TBD	Filing date:	December 29, 2010			
First Named Inventor:	First Named Inventor: Keisuke Kuroda					
Title of the Invention: ELECT	RONIC DEVICE					
SUBMITTED VIA EFS-W	RTICIPATION IN THE PCT-PPH PILOT PROGF EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC					
of another PCT application domestic/ foreign priority priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding P application number(s						
The international date PCT application(s) is	e of the corresponding stare: September 2, 2010					
	Documents: atest international work product (WO/ISA PCT application(s)	A, WO/IPEA,	or IPER) in the above–identified			
Is <u>not</u> attach	ed because the document is already in the l	J.S. applicati	on.			
	 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
ls <u>not</u> attach	Is <u>not</u> attached because the document is already in the U.S. application.					
	c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.					

Registration Number 27676

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Red	REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO				
	(continued)				
Application No.:	oplication No.: TBD				
First Named Inventor: Ke	eisuke Kuroda				
WO/ISA, Wo Is attached Has alread	d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on				
Are attach	ned.	patents or U.S. patent applica			
II. Claims Correspo	ondence Table:				
Claims in US Applicati	Patentable Claims in the corresponding PCT Application	Explanation regarding the corre	espondence		
	1	The two c	laims are the same		
2 The two claims are the same			laims are the same		
The two claims are the same The two claims are the same					
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
_{Signature} /jeffrey	j sopko/		Date 2010-12-29		

Name (Print/Typed) Jeffrey J. Sopko

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,960	12/29/2010	Keisuke Kuroda	MTIS-47467	5780
52054 PEARNE & GO	7590 07/13/201 ORDON LLP	ı	EXAM	INER
1801 EAST 9T			ISMAIL, SH.	AWKI SAIF
SUITE 1200 CLEVELAND	OH 44114-3108		ART UNIT	PAPER NUMBER
			2819	
			·-	
			NOTIFICATION DATE	DELIVERY MODE
			07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com dchervenak@pearne.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND OH 44114-3108

In re Application of

Keisuke KURODA

Application No.: 13/001,960

Filed: 29 December 2010

Attorney Docket No.: MTIS-47467

For: ELECTRONIC DEVICE

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 29 December 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
- (8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-2) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (3) and (8).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and provide a statement that the translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if condition (4) is met since condition (3) has not been met.

Regarding the requirement of condition (8), applicant has failed to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

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•		THE JAPA	N TREATY - PATENT PROSECUTION AN PATENT OFFICE (JPO) AND THE		
Application No:	13/001,960	Filing date:	December 29, 2010		
First Named Inventor:	Keisuke Kuroda				
Title of the Invention: ELECT	RONIC DEVICE				
SUBMITTED VIA EFS-W HTTP://WWW.USPTO.G	EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	AVAILABLE A			
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC				
of another PCT application domestic/ foreign priority priority claim in the corto (4) above, or (6) a U	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.				
The corresponding P application number(s					
The international date PCT application(s) is	e of the corresponding stare: September 2, 2010				
	Documents: atest international work product (WO/ISA PCT application(s)	A, WO/IPEA,	or IPER) in the above–identified		
✓ Is <u>not</u> attach	ed because the document is already in the t	J.S. applicati	on.		
	laims which were indicated as having no ed corresponding PCT application(s).	velty, invent	ive step and industrial applicability in the		
ls <u>not</u> attach	Is <u>not</u> attached because the document is already in the U.S. application.				
	itions of the documents in a. and b. abov tatement that the English translation is a		ed (if the documents are not in the English ttached for the document in b. above.		

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO					
			(continued)		
Application No.:	13/00 ⁻	1,960			
First Named Inventor:	Keisuk	e Kuroda			
	WO/IPE	lisclosure statement listi EA, IPER) of the correspo		he international work products (ISR,	
✓ Has alre	Has already been filed in the above-identified U.S. application on December 29, 2010				
Are atta	(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on December 29, 2010				
II. Claims Corres	ponde	nce Table:			
Claims in US Applic	Claims in US Application Patentable Claims in the corresponding pCT Application Explanation regarding the correspondence				
1 1 The two claims are substantially the same					
2 2 The two claims are substantially the same					
3		3	The two claims are substantially the same		
4 4 The two claims are substantially the same					
		11 - 11.	· 19 		
			· -		
				-	
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature /nobu	uhiko	sukenaga/		_{Date} July 27, 2011	
Name (Print/Typed)					

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

請求の範囲

[請求項1] 検出素子と、

前記検出素子が検出する物理情報を信号として検出するピックアップ回路と、

前記ピックアップ回路によって検出された信号をAD変換するAD変換器と、

前記AD変換器のサンプリング周波数を変化させる周波数可変回路と

前記AD変換器の出力信号の通過帯域を制限するフィルタと、

前記フィルタを通過した前記AD変換器の出力信号におけるノイズレベルの積分値を算出する出力電圧判定回路と、を備え、

前記AD変換器のサンプリング周波数を前記フィルタにおける通過帯域外まで変化させることにより、前記AD変換器の量子化ノイズレベルを変化させ、前記量子化ノイズレベルの積分値が所定の範囲内にあるか否かを前記出力電圧判定回路において判定することにより自己診断を行う

電子機器。

[請求項2] 前記検出素子が検出する物理情報が、前記検出素子に印加された角速 度である

請求項1に記載の電子機器。

[請求項3] 前記フィルタがローパスフィルタである 請求項1に記載の電子機器。

[請求項4] 前記フィルタが、

前記AD変換器の出力信号が入力される第1の増幅器と、 前記AD変換器の出力信号が入力される遅延器と、 前記遅延器からの出力信号が入力される第2の増幅器と、 前記第1、第2の増幅器の出力信号を加算し出力する加算器と、

を具備する構成である

請求項3に記載の電子機器。

English translation of the claims of the PCT application that have novelty, inventive step, and industrial applicability

PCT application number: PCT/JP2010/005401

What is claimed is:

- 1. An electronic device comprising:
 - a detection device;
- a pick up circuit for detecting, as a signal, physical information detected by the detection device;
- an AD converter for AD converting the signal detected by the pick up circuit;
- a frequency variable circuit for changing a sampling frequency of the AD converter;
- a filter for limiting a pass band of an output signal of the AD converter; and

an output voltage decision circuit for calculating an integral of a noise level of the output signal of the AD converter after the output signal passes through the filter, wherein

the electronic device performs self-diagnosis by making the frequency variable circuit change the sampling frequency of the AD converter to a frequency outside of the pass band of the filter so as to change a quantization noise level of the AD converter, and then by making the output voltage decision circuit determine whether the integral of the quantization noise level is within a predetermined range or not.

- 2. The electronic device of claim 1, wherein the physical information detected by the detection device is an angular velocity applied to the detection device.
- 3. The electronic device of claim 1, wherein the filter is a low-pass filter.
- 4. The electronic device of claim 3, wherein the filter comprises:
- a first amplifier for receiving the output signal of the AD converter;
- a delay device for receiving the output signal of the AD converter;
- a second amplifier for receiving an output signal of the delay device, and
- an adder circuit for adding output signals of the first and second amplifiers and outputting an addition result.

VERIFICATION OF TRANSLATION

Re: Claims determined to have novelty, inventive step, and industrial applicability by JPO (claims of PCT Application No. PCT/JP2010/005401

- I, Nobuhiko Sukenaga, declare and say:
- 1) My address is: Pearne & Gordon LLP, 1801 East 9th street, Suite 1200 Cleveland, Ohio 44114-3108
- 2) I speak and write both the English and Japanese languages; and
- 3) that the attached document is a true and correct translation made by me to the best of my knowledge and belief of claims of PCT Application No. PCT/JP2010/005401.

July 27, 2011

Date



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/001,960	12/29/2010	Keisuke Kuroda	MTIS-47467	5780
52054 PEARNE & GO	7590 10/12/2011 ORDON LLP		EXAM	INER
1801 EAST 9T			ISMAIL, SH.	AWKI SAIF
SUITE 1200 CLEVELAND	OH 44114-3108		ART UNIT	PAPER NUMBER
, , , , , , , , , , , , , , , , , , ,			2819	
	•			
		•	NOTIFICATION DATE	DELIVERY MODE
			10/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com dchervenak@pearne.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND OH 44114-3108

In re Application of

Keisuke KURODA

Application No.: 13/001,960

Filed: 29 December 2010

Attorney Docket No.: MTIS-47467

For: ELECTRONIC DEVICE

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 29 December 2010 and renewed 27 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn Quality Assurance Specialist Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office Alexandria, VA

MAILED

JAN 3 1 2011

Nokia, Inc.

6021 Connection Drive, MS 2-5-520

Irving TX 75039

In re Application of

ROE

Application No.: 13/001,967

PCT No.: PCT/IB2009/006093

Int. Filing Date: 26 June 2009

Priority Date: 27 June 2008

Atty. Docket No.: NC67525-US-PCT

COORDINATING SERVICES

PCT LEGAL ADMINISTRATION

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen

19195

Attorney Advisor

Office of PCT Legal Administration

Tel: (571) 272-3294



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Edwards Wildman Palmer LLP P.O. Box 55874 Boston MA 02205

MAILED

NOV 30 2011

In re Application of

DECISION ON

PCT LEGAL ADMINISTRATION

Jeong Sup Hong

Application No: 13/001,981

PCT No.: PCT/KR2009/005988

REQUEST FOR REFUND

Int. Filing Date: 16 October 2009 Priority Date: 22 May 2009

Attorney's Docket No.: 87844(301264)

For: A MEHTOD OF... MEHTOD THEREOF

UNDER 37 CFR 1.26

This Decision is in response to applicants' communication "REQUEST FOR REFUND" filed on 27 September 2011, which is being treated as a request under 37 CF 1.26 requesting a refund of the \$540.00 as the correct fee for the National Stage Search Fee is \$430.00 and for \$130.00 charged for a late Declaration that was filed timely. Applicant requests that the refund be credited to Deposit Account No.: 04-1105.

BACKGROUND

On 16 October 2009, this international application was filed, claiming an earliest priority date of 22 May 2009. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 22 November 2011.

On 29 December 2010, applicant filed the Transmittal letter for entry into the national stage in the United States, which was accompanied by, the basic national fee. At the time, the fees charged by the USPTO where as specified on the transmittal letter:

1)	Basic national fee-	\$ 330.00
2)	Examination fee-	\$ 220.00
3)	Search fee-	\$ 540.00

4) Surcharge of \$130.00 for furnishing... declaration after the date of commencement of the national stage (378 CFR 1.492(h)).

\$ 130.00

On 27 September 2011, applicants filed the current request for refund of the excess of the search fee as it should have been\$430.00 and \$130.00 as the declaration was filed within 30 months. The request has been filed within two years from the date that the fee was paid as required under 37 CFR 1.26(b)

DISCUSSION

Pursuant 37 CFR §1.26(a) (refunds) "[a]ny fee paid in excess of that required will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw an application,... will not entitle a party to demand such a return."

Applicant states the correct fee for the Search fee is \$430.00 rather than \$540.00, and applicants should have not have been charged \$130.00 under 37 CFR 1.492(h) as the declaration was filed within 30 months.

A review of the file reveals that correct search fee for the above application is \$430.00 as the international search report was prepared by an ISA other than the USPTO. In addition, the declaration was filed within 30 months and as such no surcharge was required.

Therefore, applicant is entitled to a refund of \$540.00, as applicants have been charged the correct search fee charge of \$430, and \$130, as the declaration was filed timely, to applicant's Deposit Account No.: 04-1105.

CONCLUSION

For reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272- 3276 Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Fabio Moyses Rua Getuliio, 403 – apt 502 Cachambi Rio de Janeiro, Rio de Janeiro Brazil 20755-000

MAILED

FEB 1 0 2012

In re Application of Lins Dantas

Application No. 13/002,036

International Filing Date: June 30, 2009

Attorney Docket No. BR-03

OFFICE OF PETITIONS

This is a decision on the letter from Darren Gardner, reg. no 54,113, filed January 10, 2012, stating that he is not associated with customer numbers: 69109; 14776; 69373; 72136; 92958 and 14392.

Applicant has specified that the power of attorney should be associated with customer number 72136 and that all correspondence for the above-identified application should be sent to the address associated with customer number 72136, which is ANDERSON TMP, INC, 1903 60 TH PLACE E, SUITE M5103, BRADENTON FL. The USPTO normally mails correspondence directly to the applicants, unless they are represented by an individual registered to practice before the USPTO. In order to practice before the USPTO, an attorney and/or agent must have a valid USPTO registration number as specified in 37 C.F.R. §132; *Manual of Patent Examination Procedure* (MPEP) §402. Mr. Gardner, the registered practitioner associated with the above indicated customer number (72136) has indicated to the Office that he is not associated with the customer number and has not had any involvement with the applications associated with the customer number.

Darren Gardner has been removed from the Customer Number associated with this application. Applicant is reminded that there is no attorney of record at this time.

Therefore, the designation of the customer number, which lists Mr. Gardner as having power of attorney and the correspondence address is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore,

encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

Since, it appears that applicant is not currently represented by, and if he wishes to obtain the services of, a registered attorney or agent, a listing of registered patent attorneys and agents is available online at https://oedci.uspto.gov/OEDCI/, or by calling the Office of Enrollment and Discipline at (571) 272-4097. Applicant may also obtain a list of registered patent attorneys and agents located in their area by writing to Mail Stop OED, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450. The Office cannot, however, aid in selecting an attorney or agent.

Information concerning the filing and/or prosecution of a patent application in the absence of an attorney or agent, including how to obtain forms, is available online at www.uspto.gov, or at the direct link for the Inventors Assistance Center

http://www.uspto.gov/web/offices/pac/dapp/pacmain.html. The Inventors Assistance Center may also be contacted by calling (800) 786-9199, and by asking the operator for the Inventors Assistance Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7709. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Mark Polutta /
Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ANDERSON TMP, INC 1903 60 TH PLACE E SUITE M5103 BRADENTON FL



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

THORNE & HALAJIAN, LLP 111 WEST MAIN STREET BAY SHORE NY 11706 **MAILED**

APR 222011

PCT LEGAL ADMINISTRATION

In re Application of

MOURYA, et al.

PCT No.: PCT/IB2009/053237

: DEC

DECISION ON PETITION

Application No.: 13/002,037

Int. Filing Date: 29 June 2009

UNDER 37 CFR 1.47(a)

Priority Date: 30 June 2008

Atty. Docket No.: FT07045

METHOD TO MANAGE MULTIPLE CALLER

IDENTITIES IN A TELECOMMUNICATION

SYSTEM

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 31 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 June 2009, applicant filed international application PCT/IB2009/053237 which claimed priority to an earlier application filed 30 June 2008. A copy of the international application was communicated from the International Bureau (IB) to the United States on 07 January 2010. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 December 2010.

On 29 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an application data sheet, an Information Disclosure Statement, a declaration signed by one of the co-inventors and an assignment document.

On 02 February 2011, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 31 March 2011, applicant filed the present petition under 37 CFR 1.47(a).

Application No.: 13/002,037

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 29 June 2009 under 35 U.S.C. 363, and will be given a date of 29 December 2010 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen Attorney Advisor

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Office of PCT Legal Administration

Tel: (571) 272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Mr. Ndiata Kalonji 8, rue des 25 fusilles 35136 Saint Jacques de la Lande FRANCE

MAILED

APR 2 2 2011

PCT LEGAL ADMINISTRATION

In re Application of MOURYA, et al.

PCT No.: PCT/IB2009/053237 Application No.: 13/002,037 Int. Filing Date: 29 June 2009 Priority Date: 30 June 2008 Atty. Docket No.: FT07045

r: METHOD TO MANAGE MULTIPLE CALLER

IDENTITIES IN A TELECOMMUNICATION

SYSTEM

Dear Mr. Kalonji:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

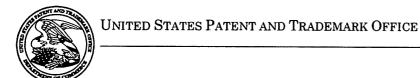
Derek A. Putonen Attorney Advisor

Stalb

Office of PCT Legal Administration

Tel: (571) 272-3294

Counsel of record: THORNE & HALAJIAN, LLP 111 WEST MAIN STREET BAY SHORE NY 11706 UNITED STATES OF AMERICA



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DYKAS & SHAVER LLP P.O. BOX 877 BOISE ID 83701-0877

MAILED
DEC 1 9 2011
OFFICE OF PETITIONS

In re Application of Rob Michael Allen Application No. 13/002,045 Filed: March 1, 2011 Attorney Docket No. AllR304NUS

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 28, 2011.

The request is **not approved**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Scott D. Swanson, and attorneys/agents associated with customer number 21658 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

The correspondence address has been changed and is copied below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet Petitions Examiner Office of Petitions

cc: Robert Michael Allen 3456 White Mountain Street Las Vegas, NV 89117

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

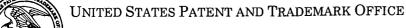
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,090	12/30/2010	Tetsuo Nishida	374011US99X PCT	6992
22850 ORLON SPIN	7590 06/22/2011 YAK, MCCLELLAND M	EXAMINER		
1940 DUKE S	TREET	WALLEN, THOMAS J		
ALEXANDRI	A, VA 22314		ART UNIT	PAPER NUMBER
		1727		
	,		NOTIFICATION DATE	DELIVERY MODE
			06/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

JUN 22 2011

WG

In re application of

Tetsuo Nishida et al. Serial No. 13/002.090

Filed: December 30, 2010

For:

PRODUCTION PROCESS OF

DIFLUOROPHOSPHATE,

NONAQUEOUS ELECTROLYTIC SOLUTION AND NONAQUEOUS

ELECTROLYTIC SECONDARY

BATTERY

DECISION ON REQUEST TO PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed May 23, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and

Application No. 13/002,090

- b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin/		
Walter D. Griffin		
Supervisory Patent Examiner		
Technology Center 1700		



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PCT LEGAL ADMINISTRATION

Kirschstein, Israel, Schiffmiller & Pieroni, P.C. 425 FIFTH AVENUE

5TH FLOOR NEW YORK NY 10016-2223

In re Application of ANTHOPOULOS et al.

Application No.: 13/002,113 PCT No.: PCT/GB09/01635 Int. Filing: 30 June 2009

Priority Date: 30 June 2008

Attorney Docket No.: P/44930/Kilburn

For: IMPROVED FABRICATION METHOD FOR:

THIN-FILM FIELD-EFFECT TRANSISTORS

DECISION ON

WITHDRAWAL OF

HOLDING OF ABANDONMENT

UNDER 37 CFR 1.181

This is a decision on applicant's "Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181", filed in the US Patent and Trademark Office (USPTO) on 09 September 2011. No petition fee is required.

BACKGROUND

On 30 June 2009, applicant filed an international application PCT/EP09/01635, which claimed a priority date of 30 June 2008. Thus, the thirty month period was set to expire on 30 December 2010.

On 30 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee. On 26 January 2011, applicant filed an executed declaration. On 26 January 2011, Applicant filed an executed declaration and \$130 surcharge for filing the declaration after the thirty month period. On 27 January 2011, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period are required.

On 09 September 2011, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to provide a copy of the international application by the 30 month period.

On 09 September 2011, applicant filed the present petition requesting that the USPTO withdraw the holding of abandonment on the grounds that on 26 January 2011, Applicant had filed an executed declaration and. surcharge for filing the declaration after the thirty month period.

DISCUSSION

The Notification of Abandonment indicated that the application was abandoned for failure to provide an executed declaration and the surcharge of \$130 in response to the 905. A review of the application file reveals that an executed declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were provided on 26 January 2011. Thus, the 09 September 2011 Notification of Abandonment was mailed in error and is hereby <u>VACATED</u>.

Application No.: 13/002,113

CONCLUSION

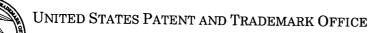
The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The 09 September 2011 Notification of Abandonment is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 26 January 2011.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor Office of PCT Legal Administration

Telephone: (571) 272-3286 Facsimile: (571) 273-0459



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CLARK & ELBING LLP 101 FEDERAL STREET BOSTON MA 02110

MAILED NOV 08 2011

OFFICE OF PETITIONS

Applicant: Jing Wang, et al.

Appl. No.: 13/002,138

International Filing Date: June 3, 2009

Title: METHOD FOR DEACTIVATING ISR AND A MOBILITY MANAGEMENT UNIT

Attorney Docket: 50727/015001 Pub. No.: US 20110128915 A1

Pub. Date: June 2, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 1, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the specification filed with the application on December 30, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. ¹

The errors noted by requester are not material since they do not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Also, the error noted by requestor with respect to the preliminary amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No.: 13/002,138 Page 2

include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

 $\frac{http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp}{OR}$

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff Petitions Examiner Office of Petitions



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MAY 25 2011

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PCT LEGAL ADMINISTRATION

DECISION ON PETITION UNDER

37 CFR 1.47(b)

In re Application of: CAILI, Su

U.S. Application No.: 13/002,164

GRAND RAPIDS MI 49501-0352

PCT No.: PCT/US2009/048132 :

International Filing Date: 22 June 2009

Priority Date: 03 July 2008

Attorney's Docket No.: P301US2-DCA

For: BIMETALLIC MO/CO CATALYST FOR PRODUCING OF ALCOHOLS FROM HYDROGEN AND CARBON MONOXIDE CONTAINING GAS

This decision is issued in response to the "Petition For Pursuit Of Patent Application By Assignee, Synthenol Energy Corporation" filed on 30 March 2011, considered herein under 37 CFR 1.47(b). Petitioner has paid the required \$200 petition fee.

BACKGROUND

On 22 June 2009, applicant filed international application PCT/US2009/048132. The application claimed a priority date of 03 July 2008, and it designated the United States. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 03 January 2011.

On 30 December 2010, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 31 January 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 30 March 2011, petitioner filed the petition under 37 CFR 1.47(b) considered herein, accompanied by payment of the required surcharge.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventors refuse to execute the application or cannot be

reached after diligent effort; (3) a statement of the last known addresses of the non-signing inventors; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventors; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has submitted payment of the \$200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, petitioners have provided a statement from Michael Jackson, with accompanying documents, setting forth the efforts made to obtain the signature of the non-signing inventor. The statement refers to email correspondence between the non-signing inventor and two other persons, James Mitchell and Nancy Ross. While copies of various email messages have been attached, petitioner has not provided firsthand statements from Mr. Mitchell or Ms. Ross, confirming such correspondence and the enclosures included therewith. The present record therefore does not provide an acceptable showing that the inventor has been provided with a request for signature, accompanied by a copy of the complete application, as required. It is also not clear precisely what documents were contained in the package forwarded to the inventor by courier that the inventor refused to accept, or whether the inventor was made aware of who such documents were from and that they pertained to the present application.

Based on the above, petitioner has not provided an acceptable firsthand showing that the non-signing inventor was provided with a signature request accompanied by a copy of the complete application (or refused to accept delivery of such materials) and refused to provide the requested signature in response to such request. Item (2) of a grantable petition under 37 CFR 1.47(b) is therefore not satisfied on the present record.

Regarding item (3), the petition does not include an express statement of the non-signing inventor's last known residence address. Item (3) of a grantable petition under 37 CFR 1.47(b) is therefore not satisfied.

Regarding item (4), the petition was not accompanied by a declaration in compliance with 37 CFR 1.497 properly executed on behalf of the non-signing inventors by an authorized

representative of the 37 CFR 1.47(b) applicant, Synthenol Energy Corporation ("Synthenol"). Item (4) of a grantable petition is therefore not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition indicates that the invention has been assigned to the 37 CFR 1.47(b) applicant. Specifically, the petition indicates that the non-signing inventor assigned the application to Synthec Biofuel, Inc. ("Synthec"), which in turn assigned its rights in the application to the 37 CFR 1.47(b) applicant, Synthenol. With respect to such a claim, the MPEP states the following:

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

Petitioner here has provided copies of the assignment of the application from the inventor to Synthec and from Synthec to Synthenol, as required. However, petitioner has not submitted the statement under 37 CFR 3.73(b), as also required (see Form PTO/SB/96). Until an acceptable statement in compliance with 37 CFR 3.73(b) is submitted, item (5) of a grantable petition under 37 CFR 1.47(b) is not satisfied.

Regarding item (6), the petition does not include the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore not satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (2), (3), (4), (5), and (6) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

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SFP 03 2011

PCT LEGAL ADMINISTRATION

In re Application of: SU, Caili

U.S. Application No.: 13/002,164

PCT No.: PCT/US2009/048132

International Filing Date: 22 June 2009

Priority Date: 03 July 2008

Attorney's Docket No.: P301US2-DCA

For: **BIMETALLIC MO/CO CATALYST**

FOR PRODUCING OF ALCOHOLS FROM HYDROGEN AND CARBON MONOXIDE CONTAINING GAS

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed on 12 July 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 25 May 2011. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had not satisfied the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable showing that the non-signing inventor refuses to execute the application, a statement of the last known address of the non-signing inventor, an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, an acceptable showing of petitioner's proprietary interest in the application, and the required statement that granting the petition is necessary to preserve the rights of the parties or to prevent irreparable damages.

On 12 July 2011, petitioner filed the renewed petition considered herein.

DISCUSSION

With respect to the required showing that the non-signing inventor refuses to execute the application, the present renewed petition includes statements from Nancy Ross and James Mitchell, with supporting documents, which provide an acceptable first-hand showing that the non-signing inventor has been provided with a request for signature, accompanied by a copy of the application, and that the inventor has not provided the signed declaration in response to such request and has in fact refused acceptance of additional documents forwarded to her by courier. These materials, in combination with those filed with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. This requirement of a grantable petition is therefore now satisfied.

With respect to the inventor's last-known address, the present renewed petition includes a statement of the last-known address of the non-signing inventor. This requirement of a grantable petition is therefore now satisfied.

With respect to the declaration requirement, the present renewed petition is accompanied by a "Declaration Of Michael Jackson Pursuant To Rule 1.497" executed on behalf of the non-signing inventor by the president of Synthenol Energy Corporation (Synthenol), the 37 CFR 1.47(b) applicant. However, the declaration does not include all required information. Specifically, the declaration does not set forth the citizenship of the non-signing inventor. The declaration is therefore not acceptable under 37 CFR 1.497. In addition, while Mr. Jackson states in his declaration that "I believe that the facts set forth in the attached Declaration ... are true and accurate," it is not clear that such statement encompasses all statements required for an acceptable declaration, some of which are not necessarily facts (e.g., acknowledgement of the duty to disclose). Accordingly, it is suggested that any revised declaration filed by the 37 CFR 1.47(b) applicant include therein all required statements and facts, rather than refer to those contained in an accompanying document. Based on the above, the declaration element of a grantable petition under 37 CFR 1.47(b) is not satisfied on the present record.

With respect to the proprietary interest element, the renewed petition includes the required Statement Under 37 CFR 3.73(b). This statement, in combination with the assignment documents filed with the original petition, provides an acceptable showing of the 37 CFR 1.47(b) applicant's proprietary interest in the present application. This requirement of a grantable petition is therefore now satisfied.

Finally, the renewed petition includes the required statement that granting the petition is necessary to preserve the rights of the parties or to prevent irreparable damages, satisfying this requirement of a grantable petition.

Petitioner has now satisfied four of the five outstanding requirements for a grantable petition under 37 CFR 1.47(b). However, petitioner has still failed to file an acceptable declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, as required. The petition therefore cannot be granted on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS of the mail date of the present decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the final outstanding requirement of a grantable petition, that is, a declaration acceptable under 37 CFR 1.497 executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



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PCT LEGAL ADMINISTRATION

VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP 333 BRIDGE STREET, NW

P.O. BOX 352

GRAND RAPIDS MI 49501-0352

In re Application of: SU, Caili

U.S. Application No.: 13/002,164 PCT No.: PCT/US2009/048132

International Filing Date: 22 June 2009

Priority Date: 03 July 2008

Attorney's Docket No.: P301US2-DCA

For: BIMETALLIC MO/CO CATALYST

FOR PRODUCING OF ALCOHOLS FROM HYDROGEN AND CARBON MONOXIDE CONTAINING GAS DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed on 12 July 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 25 May 2011. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had not satisfied the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable showing that the non-signing inventor refuses to execute the application, a statement of the last known address of the non-signing inventor, an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, an acceptable showing of petitioner's proprietary interest in the application, and the required statement that granting the petition is necessary to preserve the rights of the parties or to prevent irreparable damages.

On 12 July 2011, petitioner filed the renewed petition considered herein.

DISCUSSION

With respect to the required showing that the non-signing inventor refuses to execute the application, the present renewed petition includes statements from Nancy Ross and James Mitchell, with supporting documents, which provide an acceptable first-hand showing that the non-signing inventor has been provided with a request for signature, accompanied by a copy of the application, and that the inventor has not provided the signed declaration in response to such request and has in fact refused acceptance of additional documents forwarded to her by courier. These materials, in combination with those filed with the original petition, provide an acceptable

showing that the non-signing inventor has refused to execute the application. This requirement of a grantable petition is therefore now satisfied.

With respect to the inventor's last-known address, the present renewed petition includes a statement of the last-known address of the non-signing inventor. This requirement of a grantable petition is therefore now satisfied.

With respect to the declaration requirement, the present renewed petition is accompanied by a "Declaration Of Michael Jackson Pursuant To Rule 1.497" executed on behalf of the nonsigning inventor by the president of Synthenol Energy Corporation (Synthenol), the 37 CFR 1.47(b) applicant. However, the declaration does not include all required information. Specifically, the declaration does not set forth the citizenship of the non-signing inventor. The declaration is therefore not acceptable under 37 CFR 1.497. In addition, while Mr. Jackson states in his declaration that "I believe that the facts set forth in the attached Declaration ... are true and accurate," it is not clear that such statement encompasses all statements required for an acceptable declaration, some of which are not necessarily facts (e.g., acknowledgement of the duty to disclose). Accordingly, it is suggested that any revised declaration filed by the 37 CFR 1.47(b) applicant include therein all required statements and facts, rather than refer to those contained in an accompanying document. Based on the above, the declaration element of a grantable petition under 37 CFR 1.47(b) is not satisfied on the present record.

With respect to the proprietary interest element, the renewed petition includes the required Statement Under 37 CFR 3.73(b). This statement, in combination with the assignment documents filed with the original petition, provides an acceptable showing of the 37 CFR 1.47(b) applicant's proprietary interest in the present application. This requirement of a grantable petition is therefore now satisfied.

Finally, the renewed petition includes the required statement that granting the petition is necessary to preserve the rights of the parties or to prevent irreparable damages, satisfying this requirement of a grantable petition.

Petitioner has now satisfied four of the five outstanding requirements for a grantable petition under 37 CFR 1.47(b). However, petitioner has still failed to file an acceptable declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant, as required. The petition therefore cannot be granted on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS of the mail date of the present decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the final outstanding requirement of a grantable petition, that is, a declaration acceptable under 37 CFR 1.497 executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

Commissioner for Patents
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PCT LEGAL ADMINISTRATION

In re Application of: SU, Caili

U.S. Application No.: 13/002,164 PCT No.: PCT/US2009/048132

International Filing Date: 22 June 2009

Priority Date: 03 July 2008

Attorney's Docket No.: P301US2-DCA
For: BIMETALLIC MO/CO CATALY

BIMETALLIC MO/CO CATALYST FOR PRODUCING OF ALCOHOLS FROM HYDROGEN AND CARBON MONOXIDE CONTAINING GAS DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.47(b)" filed on 31 October 2011. Petitioner has previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 25 May 2011 and 06 September 2011. The most recent decision dismissed without prejudice the renewed petition under 37 CFR 1.47(b) filed on 12 July 2011, finding that petitioner had failed to satisfy all the outstanding requirements of a grantable petition. Specifically, petitioner had not provided an acceptable declaration executed on behalf of the non-signing inventor by the 37 CFR 1.47(b) applicant Synthenol Energy Corporation (Synthenol).

On 31 October 2011, petitioner filed the "Second Renewed Petition Under 37 CFR 1.47(b)" considered herein.

DISCUSSION

The present renewed petition includes a revised declaration executed on behalf of non-signing sole inventor Caili SU by the president of 37 CFR 1.47(b) applicant Synthenol. The revised declaration includes all statements and information required under 37 CFR 1.497, including the citizenship of the non-signing inventor.

The submission of the revised declaration executed by the 37 CFR 1.47(b) applicant on behalf of the non-signing inventor satisfies the final outstanding requirement of a grantable petition under 37 CFR 1.47(b). The petition is therefore appropriately granted.

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CONCLUSION

The renewed petition under 37 CFR 1.47(b) is GRANTED.

The application is accepted without the signature of non-signing inventor Caili SU.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 31 October 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

Caili SU 2911 152A Street Surrey, British Columbia V4P 3K4 CANADA

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PCT LEGAL ADMINISTRATION

In re Application of: SU, Caili U.S. Application No.: 13/002,164 PCT No.: PCT/US2009/048132

International Filing Date: 22 June 2009

Priority Date: 03 July 2008

Attorney's Docket No.: P301US2-DCA

For: BIMETALLIC MO/CO CATALYST FOR PRODUCING OF ALCOHOLS

FROM HYDROGEN AND CARBON MONOXIDE CONTAINING GAS

Dear Caili SU:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

Counsel Of Record:

James A. Mitchell VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP 333 BRIDGE STREET, NW P.O. BOX 352 GRAND RAPIDS MI 49501-0352

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581336 MINNEAPOLIS MN 55458-1336

MAILED

JUN 23 2011

In re Application of :

PCT LEGAL ADMINISTRATION

DECISION ON

BOONS, Geert-Jan, et al.

Application No.: 13/002,180 :

PCT No.: PCT/US2009/003944

Int. Filing Date: 02 July 2009 : REQUEST

Priority Date: 03 July 2008

Attorney Docket No.: 235.00800130 : UNDER 37 CFR 1.42

For: GLYCOPEPTIDE AND USES THEREOF:

A review of the declaration reveals an indication that inventor Therese Buskas is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 22 February 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors was required.

On 18 April 2011, applicants filed this request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and the inventors' citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the legal representative, all the inventors, the citizenships for the living inventors and the citizenship for either the deceased inventor or the legal representative. It does not list either the citizenship of Therese Buskas or the legal representative and does not list the residence and postal address of the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: (571) 272-3292

United States Patent and Trademark Office

Commissioner for Patents United States Patent and Trademark Office Alexandria, VA 22313-1450

MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581336 MINNEAPOLIS MN 55458-1336

MAILED

OCT 07 2011

In re Application of

PCT LEGAL ADMINISTRATION

BOONS, Geert-Jan, et al.

Application No.: 13/002,180

PCT No.: PCT/US2009/003944

Int. Filing Date: 02 July 2009

Priority Date: 03 July 2008

REQUEST

DECISION ON

Attorney Docket No.: 235.00800130

UNDER 37 CFR 1.42

For: GLYCOPEPTIDE AND USES THEREOF:

This is a decision on applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 05 August 2011.

BACKGROUND

On 23 June 2011, the Office mailed Decision On Request, refusing applicants' request for status under 37 CFR 1.42 and setting a two month period for reply.

On 05 August 2011, applicants filed this renewed request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 05 August 2011 declaration satisfies 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone: (571) 272-3292



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

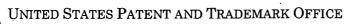
APPLICATION NO.	FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET N		ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,190	03/15/2011	Gunnar K. Storgaard Pedersen	VWS-227US	7721
•	7590 07/28/2011 & Evans, LLP (Vestas W	EXAMINER		
441 Vine Street 2700 Carew Tower Cincinnati, OH 45202			ART UNIT	PAPER NUMBER
		3726		
			NOTIFICATION DATE	DELIVERY MODE
			07/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

amalik@whepatent.com eobrien@whepatent.com USPTODOCK@whepatent.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Wood, Herron & Evans, LLP (Vestas Wind Systems) 441 Vine Street 2700 Carew Tower Cincinnati OH 45202

In re Application of:

STORGAARD PEDERSEN, GUNNAR K.

Serial No.: 13/002190 Filed: 03/15/2011

Attorney Docket No.: VWS-227US

Title: METHOD OF LIFTING A WIND

TURBINE NACELLE

DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER

CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 6, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DKPTO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen Special Programs Examiner Technology Center 3700

Tel: 571-272-4856

MAILED

Commissioner for Patents United States Patent and Trademark Office
P.O. Box 1450 Alexandria, VA 22313-1450

MAY 09 2011

00466 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314

PCT LEGAL ADMINISTRATION

In re Application of

VERKASALO, Hannu

U.S. Application No.: 13/002,205 PCT No.: PCT/FI2009/050372 Int. Filing Date: 08 May 2009

Priority Date: None

Attorney's Docket No.: 3518-1051 For: SYSTEM AND METHOD FOR

BEHAVIOURAL AND CONTEXTUAL

DATA ANALYTICS

DECISION

This is a decision on the petition under 37 CFR 1.497(d) to delete an inventor filed in the above-captioned application on 16 February 2011.

BACKGROUND

On 14 January 2011, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)(Form PCT/DO/EO/905) was mailed indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicant was given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 16 February 2011, applicant submitted an executed declaration which was accompanied by, inter alia, the subject petition; a statement by the inventor being removed; a consent statement by the assignee; and a certificate under 37 CFR 3.73(b).

DISCUSSION

Applicant requests to remove Juhu KARJALAINEN as an inventor in the abovecaptioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application . filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)).

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being . . . deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicant filed the requisite statement from the inventor being removed. The processing fee of \$130.00 has been paid. Applicant also submitted the written consent of the assignee, ZOKEM OY. This document was signed by the CEO of ZOKEM OY who is presumed to have the authority to sign on behalf of the assignee. See § 324 MPEP. A certificate under 37 CFR 3.73(b) was provided. A review of the application shows that an assignment was concurrently filed in the subject application by the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicant's request to remove Juhu KARJALAINEN as an inventor in the above-captioned application is **GRANTED**.

The declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

KENEALY VAIDYA LLP 515 EAST BRADDOCK RD SUITE B Alexandria VA 22314 MAILED

JAN 3 1 2011

PCT LEGAL ADMINISTRATION

In re Application of

HIROSE, et al.

Application No.: 13/002,227

PCT No.: PCT/JP2009/057211

Int. Filing Date: 08 April 2009

Priority Date: 15 April 2008

Atty. Docket No.: 3035-0032

For: COMBINED ELECTROMAGNETIC WAVE

ABSORBER

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen

Maft

Attorney Advisor

Office of PCT Legal Administration

Tel: (571) 272-3294



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,234	12/30/2010	101537	8109	
38834 WESTERMAI	7590 04/06/201 N, HATTORI, DANIEL		EXAM	INER
	CTICUT AVENUE, NV	PATEL, NIMESHKUMAR D		
SUITE 700	ON, DC 20036	ART UNIT	PAPER NUMBER	
WASIMIOTO	711, DC 20030	2879		
			NOTIFICATION DATE	DELIVERY MODE
			04/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com



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Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON DC 20036

In re Application of

Kazuo KITADA : DECISION ON REQUEST TO

Application No.: 13/002,234 : PARTICIPATE IN THE PATENT

Filed: 30 December 2010 : PROSECUTION HIGHWAY
Attorney Docket No.: 101537 : PROGRAM AND PETITION

For: SYSTEM AND METHOD FOR : TO MAKE SPECIAL UNDER

MANUFACTURING OPTICAL : 37 CFR 1.102(a)

DISPLAY DEVICE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS, Technology Center 2800 - Semiconductors

Electrical & Optical Systems & Components

U.S. Application No. 13/002,254 First Named Inventor: Takeshi OGASAWARA Attorney Docket No. 101542

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Claims Correspondence Table

	B / / / A / ·			
Claims in U.S. Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence		
1	1	Substantively Identical		
2	2	Identical		
3	3	Identical		
4	4	Identical		
5	5	Identical		
6	6	Identical		
7	7	Identical		
8	8	Identical		
9	9	Identical		
10	10	Identical		
11	11	Identical		
12	12	Identical		
13	13	Identical		
14	14	Identical		
15	15	Identical		
16	16	Identical		
17	17	Identical		
18	18	Identical		
19	19	Identical		
20	20	Identical as currently amended		
21	21	Identical		
22	22	Identical		
23	23	Identical		
24	24	Identical		
25	25	Identical		
26	26	Identical		
27	27	Identical as currently amended		
28	28	Identical		
29	29	Identical		
30	30	Identical, except for Multiple Dependency		
31	31	Identical		
32	30	Substantively Identical		

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

-		THE JAPA	ON TREATY - PATENT PROSECUTION AN PATENT OFFICE (JPO) AND THE			
Application No:	13/002,254 Filing date: 12-30-2010					
First Named Inventor:	Takeshi OGASAWARA	4				
Title of the Invention:	CTRODE ACTIVE MATERIAL FOR NON-AQUEOUS EL	ECTROLYTE SE	CONDARY BATTERY, FABRICATION METHOD THEREOF			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGI IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC					
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding P application number(s						
The international date of the corresponding PCT application(s) is/are: 07-07-2009						
	Documents: atest international work product (WO/ISA PCT application(s)	A, WO/IPEA,	or IPER) in the above–identified			
Is <u>not</u> attach	ed because the document is already in the	U.S. applicati	on.			
	 A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is <u>not</u> attach	Is <u>not</u> attached because the document is already in the U.S. application.					
	ations of the documents in a. and b. above tatement that the English translation is a		ed (if the documents are not in the English ttached for the document in b. above.			

Registration Number 43,077

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO			
		(continued)	
Application No.: 13/00	13/002,254		
First Named Inventor: Takes	shi OGASAWARA		
WO/ISA, WO/IP Is attached Has already be	een filed in the above-identities	December 20, 2010	
Are attached.		tified U.S. application on December 30, 2010	
II. Claims Correspond	ence Table:		
Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence	
32 Total Claims	31 Total Claims	Please see attached sheet for claims correspondence.	
III. All the claims in the corresponding PCT ap		ently correspond to the patentable claims in the	
/Kannath	H. Salen/	Data 09/16/2011	

Name (Print/Typed) Kenneth H. Salen

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,254	12/30/2010	101542	8388	
38834 WESTERMAN	7590 11/02/2011 N, HATTORI, DANIELS &	ADRIAN LIP	EXAM	INER
1250 CONNEC	CTICUT AVENUE, NW	CHDRIM, DDI	LEONG, JON	NATHAN G
SUITE 700 WASHINGTO	N, DC 20036		ART UNIT	PAPER NUMBER
			1725	
			NOTIFICATION DATE	DELIVERY MODE
		•	11/02/2011	ELECTRONIC

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patentmail@whda.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BC

In re application of

Takeshi Ogasawara et al.

Serial No. 13/002,254

Filed: December 30, 2010

Attorney Docket No: 101542

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 16, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 13/002,254

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver Quality Assurance Specialist Technology Center 1700

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

22199

MITSUBISHI ELECTRIC RESEARCH LABORATORIES, INC.

201 Broadway, 8th Floor Cambridge MA 02139 MAILED

MAY 26 2011

In re Application of

MEHTA et al

U.S. Application No.: 13/002,295

PCT No.: PCT/US2009/048512

Int. Filing Date: 24 June 2009 Priority Date: 24 June 2008

Attorney Docket No.: MERL-2038

For: ANTENNA SELECTION WITH

FREQUENCY-HOPPED SOUNDING REFERENCE SIGNALS

PCT LEGAL ADMINISTRATION

DECISION ON

PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 March 2011 is hereby **GRANTED** as follows:

The filing of the subject petition to revive is an appropriate reply. The petition fee has been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

ames Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO Dec. 31, 2010 Application No: 13002308 Filing date: Samuel Roznitsky First Named Inventor: Title of the DEEP OFFSHORE FLOATING WIND TURBINE AND METHOD OF DEEP OFFSHORE FLOATING WIND TURBINE ASSEMBLY, TRANSPORTATION, INSTALLATION AND OPERATION Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT PCT/US2009/004465 application number(s) is/are: The international filing date of the corresponding PCT application(s) is/are: August 4, 2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached. Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Registration Number 45018

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO				
			(continued)	
Application No.:	Application No.: 13002308			
First Named Inventor:	Sami	uel Roznitsky		
WO/ISA, W Is attach Has alre (2) Copies of Are attach Have alr	NO/IPE/ ed ady bee all docu	A, IPER) of the corresporn filed in the above-identification (except) for U.S. en filed in the above-identification filed in the above-identification.		,
II. Claims Corre	sponde	ence Table:	T	
Claims in US Application		Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence	
1-15		1-15		
16		16	Claim 16 in the US application was amended to recite "tether tension-adjusting mechanism" instead of "tetherin	
17-27		17-27		
28		28	Claim 28 in the US application was amended to recite "manufacturing the wind turbine at a dry dock or a ship yard" instead of "manufacturing the wind	
29-34		29-34		
35		35	Claim 35 in the US application was amended to recite "conveying the	wind turbine to a dry dock or a ship yard" instead of "conveying the wind turbine to a dry dock"
36		36		
37		37	Claim 37 in the US application was amended to recite "towing the float	fing wind turbine to the dry dock or a ship yard" instead of "towing the floating wind turbine to t
38-51		38-51		
III. All the claim corresponding			ciently correspond to the pat	tentable claims in the
Signature /anna	a vish	ev/		_{Date} June 17, 2011

Name (Print/Typed) Anna Vishev

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

93152 7590 06/28/2011 Law Office of Anna Vishev P.C 44 Cortelyou Avenue PONOMARENKO, NICHOL Staten Island, NY 10312	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
Law Office of Anna Vishev P.C 44 Cortelyou Avenue Staten Island, NY 10312 PONOMARENKO, NICHOL ART UNIT PAPER	13/002,308	12/31/2010	Samuel Roznitsky	8021-0003 9336			
44 Cortelyou Avenue Staten Island, NY 10312 ART UNIT PAPER				EXAM	INER		
ART UNIT PAPEL	44 Cortelyou Avenue			PONOMARENK	PONOMARENKO, NICHOLAS		
2839	Staten Island, NY 10312			ART UNIT	PAPER NUMBER		
				2839			
MAIL DATE DELIV				MAIL DATE	DELIVERY MODE		
				<u> </u>	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Office of Anna Vishev P.C 44 Cortelyou Avenue Staten Island NY 10312

In re Application of

ROZNITSKY et al.

Application No.: 13/002,308

Filed: 31 December 2011 Attorney Docket No.: 8021-0003

For: DEEP OFFSHORE FLOATING

WIND TURBINE ...

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 17 June 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
- (8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-3), and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. Specifically, US claims 28 and 35 recite "or a ship yard" which is not recited in PCT claims 28 and 35. US claims 28 and 35 are broader in scope than PCT claims 28 and 35 and therefor does not sufficiently correspond.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Confirmation No: 9336

Samuel Roznitsky Date: July 28, 2011

Serial No.: 13/002,308 Group Art Unit: TBD

Filed: Dec. 31, 2010 Examiner: TBD

For: DEEP OFFSHORE FLOATING WIND TURBINE AND METHOD OF DEEP

OFFSHORE FLOATING WIND TURBINE ASSEMBLY, TRANSPORTATION,

INSTALLATION AND OPERATION

VIA EFS-WEB

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

APPLICANT'S RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM

Sir:

This is a response to the Official Communication mailed June 28, 2011 in the above-identified application, in which the Office has dismissed Applicant's Request To Participate In The Patent Prosecution Highway Program and Petition To Make Special. Reconsideration of the decision is respectfully requested.

In the Official Communication, the Examiner indicated that Applicant has failed to establish that all claims of the present U.S. Application sufficiently correspond to the claims in the PCT Application. To correct this deficiency, on July 28, 2011, Applicant has filed a Second Preliminary Amendment deleting the recitations of "or a ship yard" from claims 28 and 35. A copy of the Second Preliminary Amendment is attached hereto. Accordingly, Applicant believes

that it has now fully complied with all of the requirements to participate in the PCT-PPH pilot program and to make the Application special.

Reconsideration of the Decision is respectfully requested.

THIS CORRESPONDENCE IS BEING
FILED ELECTRONICALLY THROUGH
THE UNITED STATES PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON July 28, 2011

Respectfully submitted,

/anna vishev/

Anna Vishev

Registration No.: 45,018 Law Office of Anna Vishev P.C. 44 Cortelyou Avenue Staten Island, New York 10312 Telephone: (718) 916-0254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Confirmation No: 9336

Samuel Roznitsky Date: July 28, 2011

Serial No.: 13/002,308 Group Art Unit: TBD

Filed: Dec. 31, 2010 Examiner: TBD

For: DEEP OFFSHORE FLOATING WIND TURBINE AND METHOD OF DEEP

OFFSHORE FLOATING WIND TURBINE ASSEMBLY, TRANSPORTATION,

INSTALLATION AND OPERATION

VIA EFS-WEB

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SECOND PRELIMINARY AMENDMENT

Sir:

Prior to examination, please amend the above-identified U.S. Patent Application as follows:

FEE CALCULATION

	X No a	dditional fee is req	uire	d.			
	Any additional	fee required has be	een c	calculated as fo	llows:		
	If check	ced, "Small Entity"	' stat	us is claimed.			
	NO. CLAIMS AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE	ADDIT, FEE
TOTAL		NUS	* .=		X	(\$9 SE or \$18)	\$
INDEP.	MJ	NUS	** =		X	(\$43 SE or \$86)	\$
FIRST PF	RESENTATION OF MU	JLTIPLE DEPENDENT CI	LAIM	***************************************	X	(\$145.SE or \$290)	S
* not less	than 20 ** not less	than 3				TOT	AL \$

SUMMARY OF AMENDMENTS

1	_ If checked, an abstract (an amended abstract) is submitted herewith.
2,	_ If checked, amendment(s) to the drawings are submitted herewith.
3,	If checked, amendment(s) to the specification are submitted herewith.
4.	√ If checked, amendment(s) to the claims are submitted herewith.

LISTING OF THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

- 1. (Original) A deep offshore floating wind turbine comprising:
 - a rotor operable to convert a motion of air into a movement of the rotor;
- a hub housing equipment that transforms the movement of the rotor into a useful form of energy;
- a floating base movable with respect to an underlying solid surface, the hub and the rotor being mounted on the floating base;
- a tower fixedly connected to the hub to support the hub on one end and fixedly connected to the floating base on the other end; and
- a tilting mechanism operable to tilt the wind turbine and to bring it into an upright position.
- 2. (Original) The wind turbine according to claim 1, further comprising a controller operable to control operation of the wind turbine
- 3. (Original) The wind turbine according to claim 2, wherein the floating base comprises a plurality of pontoons, each pontoon including a filling and draining mechanism operable to selectively fill and drain the each pontoon.

- 4. (Original) The wind turbine according to claim 3, wherein the tilting mechanism tilts and brings the wind turbine into the upright position by filling and draining predetermined pontoons of the plurality of pontoons in accordance with a first set of predetermined commands issued by the controller.
- 5. (Original) The wind turbine according to claim 2, further comprising a rotating mechanism attached to the floating base, the rotating mechanism being operable to change an azimuth orientation of the wind turbine by rotating the wind turbine around an axis of the tower in accordance with a second set of predetermined commands issued by the controller.
- 6. (Original) The wind turbine according to claim 3, wherein the floating base further comprises a rigid frame supporting the plurality of pontoons, the tower being fixedly secured to the rigid frame.
- 7. (Original) The wind turbine according to claim 6, further comprising a ballast accommodated within the rigid frame.
- 8. (Original) The wind turbine according to claim 7, wherein the ballast has a predetermined weight and position
- 9. (Original) The wind turbine according to claim 1, further comprising at least one anchor positioned on the underlying solid surface and connected to the floating base.

- 10. (Original) The wind turbine according to claim 1, wherein at least the hub and pontoons of the floating base are watertight.
- 11. (Original) The wind turbine according to claim 10, wherein at least one of the hub, the tower and the floating base include a ballast-fillable compartment.
- 12. (Original) The wind turbine according to claim 11, wherein the ballast-fillable compartment includes a filling and draining mechanism operable to selectively fill or drain the ballast-fillable compartment with a ballast.
- 13. (Original) The wind turbine according to claim 12, wherein the ballast is one of a high-density material and water.
- 14. (Original) The wind turbine according to claim 7, wherein the ballast is one of a high-density material and water.
- 15. (Original) The wind turbine according to claim 1, further comprising a sail secured to the tower, the sail being operable to assist in changing an azimuth orientation of the wind turbine.
- 16. (Previously Presented) The wind turbine according to claim 9, further comprising a tether tension-adjusting mechanism connecting the floating base to the anchor.

17. (Original) A method of operating a deep offshore wind turbine having a hub, a rotor, a tower, a floating base with a plurality of pontoons, and a tilting mechanism, the method comprising the steps of:

positioning the wind turbine at a predetermined deep offshore location such that the floating base is located substantially at a water surface and is movable with respect to an underlying solid surface;

using the tilting mechanism to control a vertical position of the wind turbine by distributing a ballast between at least the pontoons;

using the rotor to convert a motion of air into a movement of the rotor;

using equipment housed in the hub to transform the movement of the rotor into a useful form of energy; and

using a tower to support the hub and the rotor, said tower being fixedly connected to the floating base on one end and fixedly connected to the hub on another end.

- 18. (Original) The method according to claim 17, wherein the step of using the tilting mechanism to control the vertical position includes selectively filling and draining predetermined pontoons with a water ballast.
- 19. (Original) The method according to claim 18, wherein the step of using the tilting mechanism to control the vertical position includes selectively filling and draining at least one of compartments formed within the hub, the tower and the floating base.

- 20. (Original) The method according to claim 17, wherein the step of using the tilting mechanism to control the vertical position includes submersing the wind turbine at least partially below the water surface by filling selected pontoons and selected compartments of the hub, the tower and the floating base with the ballast.
- 21. (Original) The method according to claim 17, further comprising a step of anchoring the wind turbine to the underlying solid surface such that the floating base is movable with respect to the underlying solid surface.
- 22. (Original) The method according to claim 17, further comprising a step of conveying the wind turbine to the predetermined deep offshore location.
- 23. (Original) The method according to claim 22, wherein the step of conveying the wind turbine further comprises floating the wind turbine in a reclined position by filling selected pontoons and selected compartments of the hub, the tower and the floating base with the ballast.
- 24. (Original) The method according to claim 23, wherein said floating of the wind turbine includes at least partially submersing the wind turbine below the water surface.
- 25. (Original) The method according to claim 23, wherein the step of conveying the wind turbine further comprises towing the floating wind turbine to the predetermined location.

- 26. (Original) The method according to claim 25, wherein the step of conveying the wind turbine further comprises bringing the wind turbine into an upright position by readjusting the ballast in the pontoons and in the selected compartments of the hub and the tower.
- 27. (Original) The method according to claim 17, further comprising a step of controlling an azimuth orientation of the wind turbine by utilizing a rotational mechanism to rotate the wind turbine around an axis of the tower.
- 28. (Currently Amended) A method of deploying a deep offshore wind turbine for converting motion of air into a useful form of energy, the wind turbine having a hub, a rotor, a tower, a floating base with a plurality of pontoons, and a tilting mechanism, the method comprising the steps of:

manufacturing the wind turbine at a dry dock or a ship yard;

conveying the wind turbine to a predetermined deep offshore location by floating the wind turbine in a reclined position by filling at least selected pontoons with a ballast;

positioning the wind turbine at the predetermined deep offshore location; and using the tilting mechanism to bring the wind turbine into an upright position by redistributing the ballast among the pontoons such that the floating base is located substantially at a water surface and the tower is substantially vertically oriented.

- 29. (Original) The method according to claim 28, wherein the step of conveying comprises using a tow boat to tow the wind turbine to the predetermined deep offshore location.
- 30. (Original) The method according to claim 28, wherein the floating of the wind turbine further comprises filling selected compartments of at least one of the hub, the tower and the floating base with the ballast.
- 31. (Original) The method according to claim 30, wherein the step of bringing the wind turbine into the upright position further comprises draining the selected compartments of the at least one of the hub, the tower and the floating base.
- 32. (Original) The method according to claim 28, further comprising controlling the reclined position of the wind turbine by controlling and re-distributing the ballast between at least the pontoons.
- 33. (Original) The method according to claim 28, further comprising a step of anchoring the wind turbine to an underlying solid surface such that the floating base is movable with respect to the underlying solid surface.
- 34. (Original) The method according to claim 28, further comprising a step of controlling an azimuth orientation of the wind turbine using a rotational mechanism to rotate the wind turbine around an axis of the tower.

35. (Currently Amended) A method of maintaining a deep offshore wind turbine for converting motion of air into a useful form of energy, the wind turbine having a hub, a rotor, a tower, a floating base with a plurality of pontoons, and a tilting mechanism, the method comprising the steps of:

retaining the wind turbine in an upright position at a predetermined offshore location by filling at least selected pontoons with a ballast such that the floating base is located substantially at a water surface and the tower is substantially vertically oriented;

bringing the wind turbine into a reclined position by redistributing the ballast among the pontoons such that the wind turbine is affoat in the reclined position;

conveying the wind turbine to a dry dock or a ship yard by floating the wind turbine in the reclined position; and

performing maintenance of the wind turbine at the dry dock or the ship yard.

- 36. (Original) The method according to claim 35, wherein said floating of the wind turbine includes at least partially submersing the wind turbine below the water surface.
- 37. (Currently Amended) The method according to claim 35, wherein the step of conveying the wind turbine further comprises towing the floating wind turbine to the dry dock or the ship yard.

- 38. (Original) The method according to claim 35, further comprising a step of controlling the reclined position of the wind turbine by controlling and re-distributing the ballast between at least the pontoons.
- 39. (Original) The method according to claim 35, wherein the step of bringing the wind turbine into the reclined position further comprises using the tilting mechanism to fill selected compartments of at least one of the hub, the tower and the floating base with the ballast.
- 40. (Original) The method according to claim 35, further comprising a step of controlling an azimuth orientation of the wind turbine using a rotational mechanism to rotate the wind turbine around an axis of the tower.
- 41. (Original) A method of protecting a deep offshore wind turbine from severe weather, the wind turbine being operable for converting motion of air into a useful form of energy, the wind turbine having a hub, a rotor, a tower, a floating base with a plurality of pontoons, and a tilting mechanism; the method comprising the steps of:

positioning the wind turbine at a predetermined deep offshore location such that the floating base is located substantially at a water surface;

retaining the wind turbine in an upright position during favorable weather by filling at least selected pontoons with a ballast such that the tower is substantially vertically oriented;

using the tilting mechanism to bring the wind turbine into a reclined position during unfavorable weather by redistributing the ballast among the pontoons and submersing the wind turbine below the water surface at a predetermined depth; and

using the tilting mechanism to return the wind turbine into the upright position at passing of the unfavorable weather by readjusting the ballast in the pontoons and in selected ballast-fillable compartments of the hub and the tower.

- 42. (Original) The method according to claim 41, further comprising controlling an azimuth orientation of the wind turbine by using a rotational mechanism to rotate the wind turbine around an axis of the tower.
- 43. (Original) The method according to claim 41, wherein the step of retaining the wind turbine in the upright position includes selectively filling and draining predetermined pontoons with the ballast.
- 44. (Original) The method according to claim 41, wherein the step of using the tilting mechanism to bring the wind turbine into the reclined position includes selectively filling at least one of the ballast-fillable compartments of the hub and the tower with the ballast.
- 45. (Original) The method according to claim 41, wherein the step of submersing the wind turbine at a predetermined depth below water surface in the reclined position comprises

controlling an amount of the ballast in selected pontoons and selected compartments of the hub and the tower.

- 46. (Original) The method according to claim 41, further comprising a step of anchoring the wind turbine to an underlying solid surface.
- 47. (Original) A method of conveying a deep offshore wind turbine for converting motion of air into a useful form of energy, the wind turbine having a hub, a rotor, a tower, a floating base with a plurality of pontoons, and a tilting mechanism, the method comprising the steps of:

using the tilting mechanism to bring the wind turbine into a reclined position by filling at least selected pontoons with a ballast;

conveying the wind turbine to a predetermined deep offshore location by floating the wind turbine in the reclined position;

positioning the wind turbine at the predetermined deep offshore location; and using the tilting mechanism to bring the wind turbine into an upright position by redistributing the ballast among the pontoons such that the floating base is located substantially at a water surface and the tower is substantially vertically oriented.

48. (Original) The method according to claim 47, wherein the step of using the tilting mechanism to bring the wind turbine into the reclined position comprises filling selected compartments of the hub, the tower and the floating base with the ballast.

- 49. (Original) The method according to claim 47, wherein said floating of the wind turbine includes at least partially submersing the wind turbine below the water surface.
- 50. (Original) The method according to claim 47, wherein the step of conveying the wind turbine further comprises towing the floating wind turbine to the predetermined location.
- Original) The method according to claim 47, wherein the step of using the tilting mechanism to bring the wind turbine into the upright position further comprises readjusting ballast in ballast-fillable compartments of the hub and the tower.

REMARKS/ARGUMENTS

THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY THROUGH THE UNITED STATES PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON July 28, 2011

Respectfully submitted,

/anna vishev/

Anna Vishev Registration No.: 45,018 Law Office of Anna Vishev P.C. 44 Cortelyou Avenue Staten Island, New York 10312 Telephone: (718) 916-0254



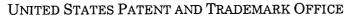
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,308	12/31/2010	Samuel Roznitsky	8021-0003	9336
93152 7590 10/11/2011 Law Office of Anna Vishev P.C 44 Cortelyou Avenue			ЕХАМ	INER
			PONOMARENKO, NICHOLAS	
Staten Island, 1	NY 10312		ART UNIT PAPER	
			2839	
		ı		
			MAIL DATE	DELIVERY MODE
			10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Law Office of Anna Vishev P.C 44 Cortelyou Avenue Staten Island NY 10312

In re Application of

ROZNITSKY et al.

Application No.: 13/002,308

Filed: 31 December 2011

Attorney Docket No.: 8021-0003

For: DEEP OFFSHORE FLOATING

WIND TURBINE ...

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 17 June 2011 and renewed 28 July 2011, to make the above-identified application special.

The request and petition are GRANTED.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn Quality Assurance Specialist Technology Center 2800

Attorney's Docket No. <u>1033413-091</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	
Hirokazu KINOSHITA et al.	Group Art Unit: Unassigned
Application No.: 13/002,350	Confirmation No.: 1192
Filed: January 3, 2011))
For: HEAT COOKING DEVICE)

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCTS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the U.S. Patent and Trademark Office Notice signed on January 23, 2010 setting forth the Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request"). The accompanying Request requests participation in the PCT-PPH Program and petitions to make this application special under the PCT-PPH program.

This application is the U.S. national stage application of International Application No. PCT/JP2009/058658 (hereinafter "corresponding international application"). Accordingly, the relationship between this U.S. application for which participation in the PCT-PPH pilot program is requested, and the corresponding international application satisfies requirement B(1)(a) illustrated in the Notice.

Applicants have therefore fully complied with the requirement of identifying the relationship between this U.S. application and the PCT application.

The latest work product of the Japan Patent Office (JPO) in the corresponding international application, namely the Written Opinion of the International Searching Authority (hereinafter "Written Opinion"), states that all of the claims in the corresponding international application satisfy the requirements of novelty, inventive step, and industrial application. A copy of the Written Opinion constituting the latest work product of the Japan Patent Office (JPO) in the corresponding international application is being submitted with the accompanying Information Disclosure Statement.

The English translation of the PCT application accompanying this request includes a copy of the claims from the corresponding international application which the Written Opinion states satisfy the novelty, inventive step and industrial applicability requirements.

Claims 1-5 in this U.S. national stage application are identical to the claims in the corresponding international application, except that Claims 3 and 5 in this U.S. national stage application are amended to eliminate multiple dependencies. New Claims 6-8 are the same as Claims 3-5, respectively, except for differences in dependencies.

The accompanying Request includes a claims correspondence table indicating how the claims in this U.S. national stage application correspond to the claims in the corresponding international application. The documents cited in the Written Opinion are listed in the Information Disclosure Statement filed with this

Patent Application No.. $\frac{13/002,350}{1033192-000060}$ Attorney's Docket No. $\frac{1033192-000060}{1033192-000060}$

application, and copies of the listed documents, other than the U.S. patents and U.S. patent application publications, are provided.

The Director is hereby authorized to charge any other appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

If any questions arise concerning this matter, the undersigned attorney can be contacted at the telephone number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 3, 2011

By: James A. LaBarre

Registration No. 28632

Customer No. 21839 703 836 6620

Code: PPH.PCT.652

ment Description: Petition to make special under Patent Pros Hwy

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		CT-PPH) PILOT PROGRAM BETW		TION TREATY - PATENT PROSECUTION PAN PATENT OFFICE (JPO) AND THE
Application N	o.:	13/002,350	Filing date:	January 3, 2011
First Named	Inventor:	Hirokazu KINOSHITA		
Title of the Invention:	HEAT	COOKING DEVICE		
		RTICIPATION IN THE PCT-PPH PILOT PROGR MATION REGARDING EFS-WEB IS AVAILABLE		H THE REQUIRED DOCUMENTS MUST BE SUBMITTED W.USPTO.GOV/EBC/EFS_HELP.HTML.
		BY REQUESTS PARTICIPATION IN TH O APPLICATION SPECIAL UNDER THE		PROGRAM AND PETITIONS TO MAKE THE ROGRAM.
of another P domestic/for priority claim to (4) above	CT application of the contraction of the contractio	ation which claims priority to the correspo ity to the corresponding PCT application, or rresponding PCT application, or (5) a cont	nding PCT app or (4) a nationa linuing applicat	ing PCT application, or (2) a national stage entry plication, or (3) a national application that claims all application which forms the basis for the tion of the U.S. application that satisfies one of (1) povisional application which forms the basis for
The corresp	onding PC	CT application number(s) is/are:	PCT/JP2009/05	8658
The internat application(of the corresponding PCT	∕lay 8, 2009	
I. I	ist of R	equired Documents:		
		the latest international work product (WO ding PCT application(s)	/ISA, WO/IPEA	, or IPER) in the above-identified
[= ' ' '	ached. tattached because the document is already	in the U.S. app	lication.
		all claims which were indicated as having ntified corresponding PCT application(s)	ı novelty, inve	ntive step and industrial applicability in the
	_	ached. $\underline{\mathbf{t}}$ attached because the document is already	in the U.S. app	lication.
		anslations of the documents in a. and b. a . A statement that the English translation		

PTO/SB/20PCT-JP (05-10)
cument Description: Petition to make special under Patent Pros Hwy
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		REQUEST FOR PARTICI BETWEEN	PATION IN THE PCT-P N THE JPO AND THE ((continued)			
Application No.:	13	13/002,350				
First Named Inventor:	Hir	Hirokazu KINOSHITA				
Is at Has (2) Copies of al	tache alread	dy been filed in the above ide uments (except for U.S. pat	ntified U.S. application on			
=		ady been filed in the above id	entified U.S. application o	n		
II. Claims Corre	spor	ndence Table:				
Claims in US Application	on	Patentable Claims in the corresponding PCT Application	Explanation regarding	the correspondence		
1		1	US claim 1 same as P	CT claim 1.		
2		2	US claim 2 same as P	CT claim 2.		
3		3	US claim 3 same as P			
4		4	US claim 4 same as P			
5		5	US claim 5 same as P			
6		3	US claim 6 same as P			
7		4	US claim 7 same as P			
8		5	US claim 8 same as P	C1 claim 5/2.		
				•		
1						
III. All the claims corresponding PC		he US application suffi oplication.	ciently correspond t	o the patentable clain	ns in the	
		1 0				
Signature	Jac	us la Sm		Date	January 3, 2011	
Name (Print/Typed) James A. LaBarre			Registration Number	28,632		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

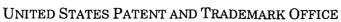
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/002,350	01/03/2011	Hirokazu Kinoshita	1033413-000091	1192	
21839 7590 04/11/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER		
			ART UNIT	PAPER NUMBER	
			3742		
			NOTIFICATION DATE	DELIVERY MODE	
			04/11/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com offserv@bipc.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC **POST OFFICE BOX 1404** ALEXANDRIA VA 22313-1404

In re Application of

KINOSHITA, HIROKAZU

Application No. 13/002,350 Filed: Jan. 3, 2011

Attorney Docket No. 1033413-000091

For: HEAT COOKING DEVICE

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PCT/PROSECUTION HIGHWAY

PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 3, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Tu Hoang, SPE of Art Unit 3742, and 571-272-4780 for Class 219/647 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856



MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

POTOMAC PATENT GROUP PLLC P. O. BOX 270 FREDERICKSBURG VA 22404 JUL 13 2011

PCT LEGAL ADMINISTRATION

In re Application of: RATJEN, Jochen, et al.

U.S. Application No.: 13/002,354

PCT No.: PCT/EP2009/056918

International Filing Date: 05 June 2009

Priority Date: 04 July 2008

Attorney's Docket No.: 0225-081
For: MEDICAMENT DELIVERY

MEDICAMENT DELIVERY

DEVICE WITH MIXING

MECHANISM

DECISION ON PETITION

This decision is issued in response to applicants' "Request To Vacate Notification Of Defective Response" filed 23 May 2011, treated herein as a petition under 37 CFR 1.181 to vacate the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 26 April 2011. No petition fee is required.

BACKGROUND

On 05 June 2009, applicants filed international application PCT/EP2009/056918. The application claimed a priority date of 04 July 2008, and it designated the United States. On 07 January 2010, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 January 2011

On 03 January 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 26 January 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 24 March 2011, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and an executed declaration document.

On 26 April 2011, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration document filed by applicants was defective and that a revised declaration was required.

On 23 May 2011, applicants filed the "Request To Vacate Notification Of Defective Response," considered as a petition herein, accompanied by, among other materials, a copy of the previously filed declaration and application data sheet (ADS).

On 08 July 2011, the DO/EO/US issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt indicating that the requirements of 35 U.S.C. 371(c), including the declaration requirement of 35 U.S.C. 371(c)(4), were satisfied as of 23 March 2011.

DISCUSSION

Applicants' 08 July 2011 petition asserts that the declaration document filed on 23 March 2011 was acceptable as filed and that the Notification Of Defective Response was therefore issued in error. A review of the declaration filed by applicants on 23 March 2011 confirms that such declaration is acceptable for purposes of entry into the national stage under 37 CFR 1.497(a) and (b). The Notification Of Defective Response issued on 26 April 2011, which indicated that the declaration filed on 23 March 2011 was not acceptable as filed, is therefore appropriately vacated, as requested by applicants in the present petition.

As noted above, a Notification Of Acceptance indicating that the requirements of 35 U.S.C. 371(c), including the declaration requirement of 35 U.S.C. 371(c)(4), were satisfied as of 23 March 2011 has already been issued herein, as also requested in the present petition..

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED.**

The "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed on 26 April 2011 is hereby **VACATED.**

The declaration filed on 23 March 2011 is accepted under 37 CFR 1.497(a) and (b) for purposes of national stage entry under 35 U.S.C. 371.

Consistent with the present decision, a "Notification Of Acceptance" (Form PCT/DO/EO/903) was issued on 08 July 2011 confirming that the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 23 March 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

REQUEST FOR HIGHWAY (PC	R PARTICIPATION IN THE F T-PPH) PILOT PROGRAM	PATENT COOPERATION BETWEEN THE EUR THE USPTO	ON TREATY - PATE ROPEAN PATENT C	ENT PROSECUTION DEFICE (EPO) AND
Application No:	13/002,358	Filing date.	June 10, 2009	
First Named Inventor:	Ma, Jingjing		redice in a booker	
Title of the Invention: Low Sur	face Energy Adhesive			
SUBMITTED VIA EFS- HTTP://WWW.USPTO.	PARTICIPATION IN THE PCT-PPH I WEB. INFORMATION REGARDING GOV/EBC/EFS_HELP.HTML	EFS-WEB IS AVAILABLE	AT a bess a	
APPLICANT HEREB ABOVE-IDENTIFIED	Y REQUESTS PARTICIPATION APPLICATION SPECIAL UND	NIN THE PCT-PPH PRO ER THE PCT-PPH PRO	GRAM AND PETITIO GRAM.	NS TO MAKE THE
of another PCT applic domestic/ foreign price	application is (1) a national stage cation which claims priority to the ority to the corresponding PCT ap presponding PCT application.	corresponding PCT app	lication, or (3) a nation	al application that claims
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	Transpir variant investment page (s. 1. Page)	VI kus kalamenanan kulu.		
I. List of Require	i Dacuments			
 A copy of the 	latest international work prod	uct (WO/ISA, WO/IPEA,	or IPER) in the abov	e-identified
correspondin Is attached	g PCT application(s)			
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	claims which were indicated a ed corresponding PCT applica		tive step and Industri	al applicability in the
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c. English transi language). A	iations of the documents in a. statement that the English tran	and b. above are attach	ed (if the documents ttached for the docur	are not in the English nent in b. above.
	ation disclosure statement list VO/IPEA, IPER) of the correspond			work products (ISR,
Has alrea	ady been filed in the above-ident	ified U.S. application on	01-03-2011	
	all documents (except) for U.S			ons)
Have sire	ady been filed in the above-ider	ntified U.S. application on	01-03-2011	······································

Page 1972
This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.193(d). The information is required to obtain or retain a benefit by the public, which is to \$1e (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form another suggestions for reducing this burden should be sent to the Other Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.: 13/002,358
First Named Inventor Ma, Jingjing

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 and 2	1 and 2	identical
3-7	3-7	amended to depend solely from claim 1
8 and 9	8 and 9	identical
10-12	10-12	amended to depend solely from claim 1
13		identical
14	14	amended to depend solely from claim 12
15	15	amended to depend solely from claim 12 and
		to delete reference to the second surface of claim 13
16	3	corresponds to claim 3 as dependent from claim 2 in the PCT application
17	.6	corresponds to claim 6 as dependent from claims 1-5 in the PCT application
18	7	corresponds to claim 7 as dependent from claim 5 in the PCT application
19	12	corresponds to claim 7 as dependent from claim 7in the PCT application
20	15	corresponds to claim 15 as dependent from claim 12 in the PCT applicatio
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		Established in the second of t
MARKET CONTRACTOR CONT		

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature/Thomas M. Spielbauer/	_{Date} January 3, 2011
Name Thomas M. Spielbauer (Print/Typed)	Registration Number 30,452



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

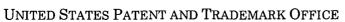
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,358	01/03/2011	Jingjing Ma	64185US005	1247
32692 2M INDIONA 7	7590 04/12/2011 FIVE PROPERTIES COME	EXAMINER		
PO BOX 3342	7	ANI	DUCHENEAU	IX, FRANK D
ST. PAUL, Mi	N 55133-3427		ART UNIT	PAPER NUMBER
			1788	
			NOTIFICATION DATE	DELIVERY MODE
			04/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com LegalDocketing@mmm.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

WG

April 11, 2011

In re application of Jingjing Ma et al.

Serial No. 13/002,358

Filed: January 3, 2011

For: LOW SURFACE ENERGY ADHESIVE

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 5, 2011. to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 13/002,358

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

SUGHRUE MION PLLC 2100 PENNSYLVANIA AVENUE NW **SUITE 800 WASHINGTON DC 20037**

MAILED MAR 20 2012 OFFICE OF PETITIONS

In re Application of

Kim, et al.

Application No. 13/002,419

Filed: January 3, 2011

Attorney Docket Number: Q122550

DECISION

ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed January 3, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- **(1)** The fee set forth in 37 C.F.R. 1.17(h);
- **(2)** Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

Commissioner for Patents

PO Box 1450

Alexandria VA 22313-1450

By FAX:

571-273-8300

Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2885 for examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees

Petitions Examiner Office of Petitions



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

www.uspto.gov

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MAR 3 0 2011

BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 4000 TORONTO ON M5L 1A9 CA CANADA

PCT LEGAL ADMINISTRATION

In re Application of:

CLOKIE, Cameron, M.L., et al. : DECISION U.S. App. No.: 13/002,444 : (37 CFR 1.137(b))

Filing Date: January 03, 2011

Attorney's Docket No.: 75312/00011

For: USE OF IMMOBILIZED :

ANTAGONISTS FOR ENHANCING : GROWTH FACTOR CONTAINING : BIOIMPLANT EFFECTIVENESS :

This decision is issued in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY 37 CFR 1.137(b)" filed January 25, 2011. Applicants have paid the applicable small entity petition fee.

BACKGROUND

On January 03, 2011, applicants filed via the EFS-Web electronic filing system materials to initiate the present application, including a specification (description, claims, drawings and abstract), an application data sheet (ADS), and a "Utility Patent Application Transmittal" (Form PTO/SB/05). The submission did not include a fee payment.

As evidenced by the electronic filing receipt, during the electronic filing process, applicant identified the present application as a "U.S. National Stage under 35 USC 371" of international application PCT/PCT/CA09/00883. However, the Form PTO/SB/05 Transmittal Letter filed by applicants, which states on its face that it is "[o]nly for new nonprovisional applications under 37 CFR 1.53(b)," is not appropriate for a national stage filing.

The materials filed on January 03, 2011 were assigned U.S. application number 13/002,444 and, based on the information provided by applicants during the electronic filing process, were initiated as the U.S. national stage of PCT/CA2009/000883.

On January 21, 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application had been treated as a filing under 35 U.S.C. 371 and that the application was abandoned for failure to file the basic national fee prior to the expiration of thirty months from the priority date (as required in a national stage application).

On January 25, 2011, applicants filed a petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The MPEP goes on to state (emphasis added):

A conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371 a "Utility Patent Application Transmittal" (Form PTO/SB/05) or includes a benefit claim under 35 U.S.C. 120 to the international application.

Here, the information provided by applicant during the electronic filing process identified the application as a national stage under 35 U.S.C. 371, as did the ADS; however, as noted above, the original application submission included a "Utility Patent Application Transmittal" (Form PTO/SB/05) that is not appropriate for a national stage filing. The inclusion of the Form PTO/SB/05 Transmittal Letter is inconsistent with the intent to enter the National State under 35 U.S.C. 371 and, as expressly set forth in the MPEP, constitutes a conflicting instruction. Accordingly, the original papers filed on January 03, 2011 are properly treated as a filing under 35 U.S.C. 111(a), not a national stage application under 35 U.S.C. 371.

The holding of abandonment set forth in the "Notification Of Abandonment" mailed January 21, 2011, based as it was on applicants' failure to timely submit the basic national fee (a requirement applicable only to a national stage application filed under 35 U.S.C. 371), is appropriately vacated.

In view of the above, the present application is not abandoned. Applicants' petition for revival under 37 CFR 1.137(b) is therefore appropriately dismissed as moot. The petition fee included with such petition will be refunded to applicants' Deposit Account.

It is noted that the present U.S. nonprovisional application filed under 35 U.S.C. 111(a) does not include an acceptable claim of priority directed to international application PCT/CA2009/000883, as both the ADS and the specification incorrectly refer to the present application as the national stage of the international application. If applicants seek to have the

present application treated as a continuation of the international application, an acceptable reference identifying the application as a continuation of the international application must be submitted prior to the expiration of four months from the filing date of the present application (see 37 CFR 1.78(a)(2)).

CONCLUSION

Applicant's petition for revival under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The \$810 petition fee included with the petition for revival will be refunded to Deposit Account No. 02-2553.

Because of the conflicting instructions included in the application materials filed January 03, 2011, the present application will be treated as a U.S. application filed under 35 U.S.C. 111(a), not a national stage application filed under 35 U.S.C. 371

The "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed January 21, 2011 is hereby **VACATED**.

The application is being referred to the Office Of Patent Application Processing (OPAP) for further processing as an application filed under 35 U.S.C. 111(a) with a filing date of January 03, 2011

/RichardMRoss

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 Aww.usto.gov

MAILED

NOV 29 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP ONE BROADWAY NEW YORK NY 10004

In re Application of

MOSER, et al.

U.S. Application No.: 13/002,456

PCT No.: PCT/EP2009/055358

Int. Filing Date: 04 May 2009

Priority Date: 03 July 2008

Attorney Docket No.: 10191/6393

For: CONTROL UNIT FOR OCCUPANT

PROTECTION MEANS FOR A VEHICLE AND A METHOD FOR ASSEMBLING A CONTROL

UNIT OF THIS TYPE

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 14 October 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 28 January 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond.

On 14 September 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) instructing applicant that the application was abandoned for failure to respond to the Form PCT/DO/EO/905 mailed 28 January 2011.

On 14 October 2011, applicant filed the petition discussed herein indicating that the Form PCT/DO/EO/905 had never been received.

Application No.: 13/002,456

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) at 711.03(c) and the Official Gazette, at 1156 OG 53, provide the grounds for when an Office action was not received:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm.

Applicant has provided a statement that the Form PCT/DO/EO/905 was never received, explained that a search of the file jacket and application contents revealed that the Form PCT/DO/EO/905 had not been received, provided a signed statement describing the firm's docketing system and included a copy of the docket record referenced in applicant's petition. It is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 14 September 2011 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision including consideration of the declaration and power of attorney concurrently filed with the petition.

Derek A. Putonen Attorney Advisor

Office of PCT Legal Administration

Tel: (571) 272-3294

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO Application No: 13002489 Filing date: 3 January 2011 RONALD THERRIAULT First Named Inventor: Title of the **ELEVATOR ALERT** Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT PCT/US2008/012721 application number(s) is/are: The international filing date of the corresponding PCT application(s) is/are: 13 November 2008 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached. Is not attached because the document is already in the U.S. application. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Registration Number 40708

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO						
(continued)						
Application No.: 130024	189					
First Named Inventor: RONA	ALD THERRIAULT					
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on 01/03/2011						
II. Claims Corresponden	nce Table:					
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence						
1-19 1-19 Claims 1-19 in the U.S. national stage are identical to Claims 1-19 in						
		the PCT application examined	d by KIPO as ISA for the written opinion.			
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
Signature /ROBERT I	B. LYONS/		Date 01/03/2011			

Name (Print/Typed) ROBERT B. LYONS

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,489	01/03/2011	Ronald Therriault	30849.00	1030
37833 LITMAN LAV	7590 04/12/2011 W OFFICES, LTD.		EXAM	INER
PATENT LAV	W BUILDING		SALATA, A	NTHONY J
8955 CENTER MANASSAS,			ART UNIT	PAPER NUMBER
,			2837	
	·			
			MAIL DATE	DELIVERY MODE
			04/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

In re Application of

Ronald THERRIAULT

Application No.: 13/002,489 Filed: 03 January 2011

Attorney Docket No.: 30849.00

For: ELEVATOR ALERT

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing the documents cited by the PCT examiner in the international work product.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

~ uc

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,489	01/03/2011	Ronald Therriault	30849.00	1030
37833 LITMAN LAV	7590 04/20/2011 W OFFICES, LTD.		EXAM	INER
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8955 CENTER MANASSAS,			ART UNIT	PAPER NUMBER
·· ·,			2837	
			MAIL DATE	DELIVERY MODE
			04/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

In re Application of

Ronald THERRIAULT

Application No.: 13/002,489

Filed: 03 January 2011

Attorney Docket No.: 30849.00

For: ELEVATOR ALERT

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 03 January 2011, to make the above-identified application special.

The prior decision is hereby **VACATED**.

The request and petition are GRANTED.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof (if not in English);
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

An IDS citing the documents from the PCT was filed 03 January 2011.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

MAR 2 1 2011

THORPE NORTH & WESTERN, LLP. P.O. Box 1219
SANDY UT 84091-1219

PCT LEGAL ADMINISTRATION

In re Application of

DUDLEY, Paul Frederick

Application No.: 13/002,493

PCT No.: PCT/GB2009/050497

Int. Filing Date: 11 May 2009

Priority Date: 09 May 2008

Attorney Docket No.: 3118-012.PCT.US

For: WATER HEATING SYSTEM

DECISION

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 03 January 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 May 2009, applicant filed international application PCT/GB2009/050497 which designated the U.S. and claimed a priority date of 09 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 12 November 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 November 2010.

On 03 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 03 January 2011.

As to item (2), applicant submitted the petition fee on 03 January 2011.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
, Legal Administration
Telephone: (571) 272-3301

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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APR 2 1 2011

PCT LEGAL ADMINISTRATION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS CO 80528

In re Application of MCJILTON et al.

Application No.: 13/002,603 PCT No.: PCT/US08/69021 Int. Filing: 02 July 2008 Priority Date: None Attorney Docket No.:

For: PÉRFORMING ADMINISTRATIVE TASKS ASSOCIATED WITH A NETWORK ATTACHED

STORAGE SYSTEM AT A CLIENT

The petition to revive under 37 CFR 1.137(b) filed 23 March 2011 in the above-captioned application is hereby **DISMISSED** for the following reasons:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing et a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the application went abandoned for failure to entry the U.S. national stage and pay the basic national fee by the expiration of the thirty month period(or at midnight on 03 January 2011). A review of the Electronic Acknowledgement Receipt reveals that applicant's request was filed on 04 January 2011. Applicant's petition to revive was not accompanied by the petition fee of \$1620. Since the petition has not paid, the requirements of 37 CFR 1.137(b) have not been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is **DISMISSED** as to the National stage in the United States of America.

The application will be held in the PCT Legal Office to await applicant's further reply.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor PCT Legal Office Office of PCT Legal Administration

Telephone: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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AUG 08 2011

HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS CO 80528 PCT LEGAL ADMINISTRATION

In re Application of MCJILTON et al. Application No.: 13/002,603 PCT No.: PCT/US08/69021 Int. Filing: 02 July 2008 Priority Date: None Attorney Docket No.:

For: PERFORMING ADMINISTRATIVE TASKS ASSOCIATED WITH A NETWORK ATTACHED STORAGE SYSTEM AT A CLIENT DECISION ON
PETITION TO REVIVE
UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 20 May 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The basic national fee and the petition fee have been paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Applicant submitted a declaration executed by the joint inventors in compliance with 37 CFR 1.497(a) and (b) on 04 January2011. The \$130 surcharge for filing the declaration after the thirty month period will be charged to applicant's deposit account per his authorization.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 20 May 2011.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor PCT Legal Office Office of PCT Legal Administration

Telephone: 571-272-3286

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

ment Description: Petition to make special under PCT-Patent Pros Hwy

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO					
Application No:	13/002607	Filing date:	01-04-2011		
First Named Inventor:	Hasegawa				
Title of the Invention: Liquid	Crystal Display				
SUBMITTED VIA EFS-W	RTICIPATION IN THE PCT-PPH PILOT PROGREB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	RAM ALONG N AVAILABLE	WITH THE REQUIRED DOCUMENTS MUST BE AT		
APPLICANT HEREBY ABOVE-IDENTIFIED	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC	T-PPH PRO T-PPH PROC	GRAM AND PETITIONS TO MAKE THE GRAM.		
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.					
The corresponding PCT PCT/JP2009/067568 application number(s) is/are:					
The international date of the corresponding PCT application(s) is/are: 10-08-2009					
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.					
 Is not attached because the document is already in the U.S. application. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 					
Is <u>not</u> attached because the document is already in the U.S. application.					
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.					

Registration Number 29366

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM				
BETWEEN THE JPO AND THE USPTO				
(continued)				
Application No.:				
First Named Inventor:				
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on				
(2) Copies of	all documents (except) for U.S	s. patents or U.S. patent application publications)		
Are attac	hed. eady been filed in the above-ider	ntified U.S. application on01-04-2011		
II. Claims Corresp	ondence Table:			
Claims in US Applica	tion Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence		
1	_ 1	essentially identical		
2 _~	2	essentially identical		
3	3	The multiple claim dependency has been changed to single dependency		
4	4	The multiple claim dependency has been changed to single dependency		
5	5	The multiple claim dependency has been changed to single dependency		
6	6	essentially identical		
7	7	The multiple claim dependency has been changed to single dependency		
8	8	The multiple claim dependency has been changed to single dependency		
9	9	The multiple claim dependency has been changed to single dependency		
10	10	The multiple claim dependency has been changed to single dependency		
11	11	The multiple claim dependency has been changed to single dependency		
12	12	The multiple claim dependency has been changed to single dependency		
13	13	The multiple claim dependency has been changed to single dependency		
	•			
······································				
<u> </u>				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Signature /H. Warren Burnam, Jr.		Date 01-25-2011		

H. Warren Burnam, Jr.

CERTIFICATION

I, Takanori Tamai residing at TRUST TOWER, 5-36, Miyahara 3-chome, Yodogawa-ku, Osaka 532-0003 JAPAN, do hereby certify that I am fully conversant and fluent in both the English and Japanese languages, and I further certify that to the best of my knowledge and belief that the attached English translation is a full, accurate and true translation of "CLAIMS in the International Patent Application No. PCT/JP2009/067568".

Date: November 15, 2010

Takanori Tamai

Reasons why the claims are not subject to the observation described in Box VIII

According to the invention as in claims 1 to 13, a liquid crystal cell mode and polarization axes (transmission axis or absorption axis) of polarizers and optical element are appropriately set within the scope of the common technical knowledge at the time the application was filed. As long as they are set within the scope of the common technical knowledge, there are provided the advantages of the claimed The transmittance and contrast of the polarizers are appropriately set on the condition that they satisfy the relationship according to claim 1 and they are within the scope of the common technical knowledge at the time the As long as they meet the above application was filed. conditions, there are provided the advantages of the claimed invention. Accordingly, the invention as in claims 1 to 13 is fully supported by the description and drawings.

Claims in PCT/JP2009/067568

【請求項1】

表偏光板、液晶セル、裏偏光板及び偏光度を持つ光学素子をこの順に有する液晶表示装置であって、

前記裏偏光板の透過率は、前記表偏光板の透過率よりも大きく、

前記裏偏光板のコントラストは、前記表偏光板のコントラストよりも小さく、

前記偏光度を持つ光学素子は、主透過率 k 1 が 8 0 ~ 8 6 % であり、主透過率 k 2 が 2 ~ 8 % であることを特徴とする液晶表示装置。

【請求項2】

前記表偏光板及び前記裏偏光板の少なくとも一方は、前記液晶セル側に位相差層を備えることを特徴とする請求項1に記載の液晶表示装置。

【請求項3】

前記液晶セルは、電界が存在しない状態で、ホメオトロピック配列に配向させた液晶分子を含む液晶層を備えることを特徴とする請求項1又は2記載の液晶表示装置。

【請求項4】

前記位相差層は、屈折率楕円体がnx≥ny>nzの条件を満たす位相差フィルムであることを特徴とする請求項2又は3記載の液晶表示装置。

【請求項5】

前記裏偏光板は、前記液晶セル側に位相差層を備え、

前記液晶セルは、電界が存在しない状態で、ホメオトロピック配列に配向させた液晶分子を含む液晶層を備えることを特徴とする請求項 $1\sim 4$ のいずれかに記載の液晶表示装置。

【請求項6】

前記裏偏光板は、前記偏光度を持つ光学素子側にネガティブCプレートを備えることを 特徴とする請求項5記載の液晶表示装置。

【請求項7】

前記偏光度を持つ光学素子の主透過率 k 1 は、8 2 ~ 8 4 % であることを特徴とする請求項 1 ~ 6 のいずれかに記載の液晶表示装置。

【請求項8】

前記偏光度を持つ光学素子の主透過率 k 2 は、2~6%であることを特徴とする請求項 1~7のいずれかに記載の液晶表示装置。

【請求項9】

前記表偏光板の透過率は、 $40\sim45$ %であることを特徴とする請求項 $1\sim8$ のいずれかに記載の液晶表示装置。

【請求項10】

前記表偏光板の透過率は、42~44%であることを特徴とする請求項1~9のいずれかに記載の液晶表示装置。

【請求項11】

前記裏偏光板の透過率は、42~48%であることを特徴とする請求項1~10のいずれかに記載の液晶表示装置。

【請求項12】

前記裏偏光板の透過率は、43~46%であることを特徴とする請求項1~11のいずれかに記載の液晶表示装置。

【請求項13】

前記偏光度を持つ光学素子は、輝度向上フィルム又はワイヤーグリッド偏光子であることを特徴とする請求項1~12のいずれかに記載の液晶表示装置。

English translation of Claims in PCT/JP2009/067568

- 1. A liquid crystal display comprising:
- a front polarizing plate;
- a liquid crystal cell;
- a back polarizing plate; and

an optical element providing a polarizing effect, the components being arranged in the stated order,

wherein the back polarizing plate has a higher transmittance than the front polarizing plate,

the back polarizing plate has a lower contrast than the front polarizing plate, and the optical element providing a polarizing effect has a principal transmittance k1 of 80 to 86%, and a principal transmittance k2 of 2 to 8%.

- 2. The liquid crystal display according to claim 1, wherein at least one of the front polarizing plate and the back polarizing plate has a retardation layer on the liquid crystal cell side.
- 3. The liquid crystal display according to claim 1 or 2, wherein the liquid crystal cell has a liquid crystal layer containing liquid crystal molecules that are arranged in a homeotropic alignment in a state with no electric field.
- 4. The liquid crystal display according to claim 2 or 3, wherein the retardation layer is a retardation film showing an index ellipsoid that satisfies nx ≥ ny > nz.
- 5. The liquid crystal display according to any one of claims 1 to 4, wherein the back polarizing plate has a retardation layer on the liquid crystal cell side, and

the liquid crystal cell has a liquid crystal layer containing liquid crystal molecules that are arranged in a homeotropic alignment in a state with no electric field.

- 6. The liquid crystal display according to claim 5, wherein the back polarizing plate has a negative C plate on the side of the optical element providing a polarizing effect.
- 7. The liquid crystal display according to any one of claims 1 to 6, wherein the optical element providing a polarizing effect has a principal transmittance k1 of 82 to 84%.
- 8. The liquid crystal display according to any one of claims 1 to 7, wherein the optical element providing a polarizing effect has a principal transmittance k2 of 2 to 6%.

- 9. The liquid crystal display according to any one of claims 1 to 8, wherein the front polarizing plate has a transmittance of 40 to 45%.
- 10. The liquid crystal display according to any one of claims 1 to 9, wherein the front polarizing plate has a transmittance of 42 to 44%.
- 11. The liquid crystal display according to any one of claims 1 to 10, wherein the back polarizing plate has a transmittance of 42 to 48%.
- 12. The liquid crystal display according to any one of claims 1 to 11, wherein the back polarizing plate has a transmittance of 43 to 46%.
- 13. The liquid crystal display according to any one of claims 1 to 12, wherein the optical element providing a polarizing effect is a brightness enhancing film or a wire grid polarizer.

(end)



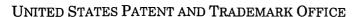
United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/002,607	01/04/2011	Masahiro Hasegawa	4578-81	2015	
23117 7590 03/08/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR			EXAMINER		
ARLINGTON,		OUK	ART UNIT	PAPER NUMBER	
			2871		
			MAIL DATE	DELIVERY MODE	
	•		03/08/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON VA 22203

In re Application of

HASEGAWA et al.

Application No.: 13/002,607

Filed: 04 January 2011

Attorney Docket No.: 4578-81

For: LIQUID CRYSTAL DISPLAY

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 25 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

COMMISSIONER FOR PATENTS
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CHOATE, HALL & STEWART LLP TWO INTERNATIONAL PLACE BOSTON, MA 02110

MAILED

JUN 17 2011

PCT LEGAL ADMINISTRATION .

In re Application of BISMARCK et al

U.S. Application No.: 13/002,618

PCT Application No.: PCT/GB2009/001655

Int. Filing Date: 02 July 2009

Priority Date Claimed: 04 July 2008

Attorney Docket No.: 2003882-0063

For: A PROCESS FOR THE PRODUCTION OF A FUNCTIONALISED CARBON NANOMATERIAL

DECISION

This is in response to applicant's correspondence filed 21 April 2011, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 02 July 2009, applicant filed international application PCT/GB2009/001655, which claimed priority of an earlier United Kingdom application filed 04 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 07 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 04 January 2011.

On 04 January 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 February 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 March 2011, applicant filed executed declarations.

On 12 April 2011, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the inventive entity.

On 21 April 2011, applicant filed the present petition under 37 CFR 1.181.

Application Number: 13/002,618

DISCUSSION

A review of the most recent bibliographic data regarding international application PCT/GB2009/001655 reveals that the inventive entity shown on the declaration filed 29 March 2011 is the same as that shown in the international application.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 12 April 2011 is hereby <u>VACATED</u>.

The application has an International Filing Date under 35 U.S.C. 363 of $\underline{02}$ July $\underline{2009}$, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of $\underline{29}$ March $\underline{2011}$.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Byan Lin

BCT Lagel Everying

PCT Legal Examiner PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED

OCT 18 2011

PCT LEGAL ADMINISTRATION

BOZICEVIC, FIELD & FRANCIS LLP 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO CA 94303

In re Application of: PORTER, Robert, Andrew

U.S. Application No.: 13/002,644 PCT No.: PCT/GB2009/001315

International Filing Date: 26 May 2009

Priority Date: 10 July 2008

Attorney's Docket No.: WPOW-006

For: SAMPLE CARRIER FOR EFFECTING

CHEMICAL ASSAYS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 23 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 27 March 2011 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed on 27 January 2011.

The present petition was accompanied by the petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

It is noted that applicant's present petition was accompanied by payment of a five-month extension fee with respect to the Notification Of Missing Requirements; however, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Here, applicant's request for an extension of time was filed after the expiration of the extendable period for reply and, accordingly, is not appropriate on the present record. The \$1,175 extension fee payment will therefore be refunded to applicant.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,712	02/22/2011	Takahiro Akita	100351	3269
23850 7590 04/08/2011 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W.			EXAM	INER
4th Floor			ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 20005		3748	
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			MAIL DATE	DELIVERY MODE
			04/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





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KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. 4th Floor WASHINGTON DC 20005

In re Application of: AKITA, TAKAHIRO

Serial No.: 13/002,712 Filed: May 28, 2008

Docket: Title:

ket: 100351

LEVER PLATE IN VGS TYPE

TURBOCHARGER AND METHOD

OF MANUFACTURING THE

SAME

DECISION ON REQUEST

TO PARTICIPATE IN
PATENT PROSECUTION
HIGHWAY (PPH) AND
PETITION TO MAKE

SPECIAL UNDER 37 CFR

1.102(a)

::

::

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 7, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Tom Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 60/602 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856 Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10) Approved for use through 01/31/2012. OMB 0651-0058 U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO January 5, 2011 13/002,764 Filing date: Application No: Vandenbroucke, Chris Leo Hilda First Named Inventor: METHOD FOR OBTAINING HIGHLY PURIFIED AND INTACT SOYBEAN HYPOCOTYLS Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT PCT/EP2008/060473 application number(s) is/are: The international filing date of the corresponding PCT application(s) is/are: August 8, 2008 I. List of Required Documents: A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached Is <u>not</u> attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)				
Application No.:	Application No.: 13/002,764			
First Named Inventor:	Vande	nbroucke, Chris Leo H	ilda	
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on Are attached. Have already been filed in the above-identified U.S. application on January 5, 2011 January 5, 2011 Have already been filed in the above-identified U.S. application on January 5, 2011				
II. Claims Corres				
Claims in US Applic	cation	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence	
1-7		1-7	Formal amendments to conform to U.S. practice	
		8	Canceled in U.S. application	
9-10		9-10	Formal amendments to conform to U.S. practice	
11		11	No amendments	
12		12	Formal amendments to conform to U.S. practice; claim 1 incorporated for method steps	
13		13	Formal amendments to conform to U.S. practice	
14		14	No amendments	
15-16	15-16 Formal amendments to conform to U.S. practice			
		17-18	canceled	d in U.S. application
19 17-19 Formal amendments to conform to U.S. practice; incorporates limitations from canceled claim		•		
20		17-18; 20		tice; incorporates limitations from canceled claims 17 and 18
21		13		as it depends from claim 7
22		13, 19-20		atter of multiple dependencies
		atter of multiple dependencies		
			atter of multiple dependencies	
25		13,16	Covers subject ma	atter of multiple dependencies
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Signature/Che S. Chereskin/			_{Date} June 16, 2011	
Name (Print/Typed) Che Swyden Chereskin			Registration Number 41,466	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting
 a request involving an individual, to whom the record pertains, when the individual has requested
 assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.O. Box 1450 ALEXANDRIA, VA 22313-1450

WENDEROTH, LIND & PONACK, L.L.P. 1030 15TH STREET, N.W., **SUITE 400 EAST** WASHINGTON, DC 20005-1503

MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of IKUNO et al

U.S. Application No.: 13/002,848

PCT Application No.: PCT/JP2009/003455

Int. Filing Date: 23 July 2009

Priority Date Claimed: 24 July 2008

Attorney Docket No.: 2010 1783A PROPHYLACTIC OR THERAPEUTIC

AGENT FOR AXIAL MYOPIA

DECISION

This is in response to applicant's correspondence filed 04 February 2011, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 23 July 2009, applicant filed international application PCT/JP2009/003455, which claimed priority of an earlier Japan application filed 24 July 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 28 January 2010. The thirty-month period for paying the basic national fee in the United States expired on 24 January 2011.

On 06 January 2011, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 February 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 February 2011, applicant filed an executed declaration along with the present request for status under 37 CFR 1.42.

Application Number: 13/002,848

On 24 February 2011, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 07 February 2011.

DISCUSSION

The declaration filed on 04 February 2011 indicates that inventor Yasuo Tano is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration is in compliance with 37 CFR 1.42 and 1.497.

Applicant is advised that the submission of a declaration executed by the heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) is herby <u>VACATED</u>.

The application has an International Filing Date under 35 U.S.C. 363 of 23 July 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 February 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form

PCT/DO/EO/903), which should indicate a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 February 2011, and a corrected filing receipt showing a 371(c) date of 04 February 2011.

By CMM Bryan Lin PCT Legal Examiner PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

United States Patent and Trademark Office

MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAR 15 2011

PCT LEGAL ADMINISTRATION

BASF Corporation Patent Department 500 White Plains Road P.O. Box 2005 Tarrytown NY 10591

In re Application of HORNBACH et al.

Application No.: 13/002,849

PCT No.: PCT/EP2009/057762

Int. Filing Date: 23 June 2009 Priority Date: 11 July 2008

Attorney's Docket No.: C23902

For: STORAGE-STABLE AQUEOUS EMULSIONS AND LIQUID BLENDS WITH LOW VISCOSITY

AS STABILIZERS

DECISION

This is a decision on applicants' petition under 37 CFR 1.182 filed 03 February 2011. The petition fee has been paid. The petition is **GRANTED** as discussed below.

On 06 January 2011, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/EP08/57762. However, the Transmittal Letter and the ADS indicate the international application number as PCT/EP2009/064058.

On 03 February 2011, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/EP2009/057762, reveals that the present application should in fact be the national stage application of international application PCT/EP2009/057762.

The NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) mailed 02 February 2011 was based on the international application number entered into EFS-Web on 06

Application No.: 13/002,849 -2-

January 2011. Since the international application number has now been corrected, the submission to enter the national stage in the United States of PCT/EP2009/057762 is within thirty months of the earliest priority date. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 02 February 2011 is hereby <u>VACATED</u>.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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MAILED

FEB 07 2011

PCT LEGAL ADMINISTRATION

In re Application of BLAIR

U.S. Application No.: 13/002,858

PCT Application No.: PCT/EP2009/052670

Int. Filing Date: 06 March 2009

Priority Date Claimed: 06 March 2008

Attorney Docket No.: 25143-0002US1

For: ENHANCEMENTS TO UNIFIED

COMMUNICATIONS AND MESSAGING

SYSTEMS

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 06 January 2011.

BACKGROUND

On 06 March 2009, applicant filed international application PCT/EP2009/052670, which claimed priority of an earlier United Kingdom application filed 06 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 07 September 2010.

On 08 September 2010, international application PCT/EP2009/052670 became abandoned as to the United States for failure to timely pay the basic national fee.

On 06 January 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of <u>06 March 2009</u>, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of <u>06 January 2011</u>.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Brancin

Bryan Lin

PCT Legal Examiner

PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Cantor Colburn LLP - Carrier 20 Church Street, 22nd Floor Hartford CT 06103

MAILED

In re Application of

Benoit et al.

Application No.: 13/002,866 PCT No.: PCT/US2009/049347

Int. Filing Date: 01 July 2009

Priority Date: 01 July 2008

Attorney Docket No.: PA-062.05633-US-AA

For: Energy Recovery Ventilator

MAR 1 0 2011

DECISION

PCT LEGAL ADMINISTRATION

ON

PETITION

The petition to revive under 37 CFR 1.137(b) filed on 06 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 06 January 2011 is accepted for purposes of compliance with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account no. 06-1130, as authorized.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is <u>06 January 2011</u>.

/George Dombroske/ George Dombroske PCT Legal Examiner Office of PCT Legal Administration Tel: (571) 272-3283



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/002,892	01/06/2011	Shigeki Tokuchi	MMS-17	4972
ROBERTS & F	7590 05/16/2011 ROBERTS, LLP	· EXAMINER		
ATTORNEYS P.O. BOX 484	AT LAW		ART UNIT	PAPER NUMBER
PRINCETON,	NJ 08542-0484		1733	
			MAIL DATE	DELIVERY MODE
			05/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

May 16, 2011

BC

In re application of Tokuchi Shigeki et al. Serial No. 13/002,892

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

Filed: January 06, 2011

PROGRAM AND

Attorney Docket No.: MMS-17

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 17, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:

Application No. 13/002,892

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/				
Blaine Copenheaver				
Quality Assurance Specialist				
Technology Center 1700				

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

JUL 052011

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD NJ 07090

PCT LEGAL ADMINISTRATION

In re Application of

HEINRICH (Deceased)

DECISION ON

Application No.: 13/002,903

PCT No.: PCT/EP09/58487

REQUEST

Int. Filing Date: 06 July 2009

Priority Date: 07 July 2008

UNDER 37 CFR 1.42

Attorney Docket no.: AIRBUS 3.3-295

For: WHEEL DRIVE SYSTEM FOR AN AIR-

CRAFT COMPRISING A FUEL CELL

This is a decision on applicant's request under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 22 February 2011.

BACKGROUND

On 06 January 2011, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 03 February 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath and declaration after the thirty month period, was required.

On 22 February 2011, applicant filed a response to the Notification including an declaration and the surcharge.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor.

App. No.: 13/002,903

37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 22 February 2011 is executed by Anke Heinrich identifying him as the executor of the estate of deceased inventor Hans-Jurgen Heinrich. The declaration states the country of citizenship, residency and mailing address for both the deceased inventor and his legal representative and meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declaration executed by the legal representative for deceased inventor submitted on 22 February 2011, is accepted as a proper declaration under 37 CFR 1.497(a) and (b) and 1.42.

The Notification of Acceptance issued on 10 May 2011, which identified the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date as 22 February 2011, remains in effect.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

Facsimile: (571) 273-0459

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JUN 28 2011

The Marbury Law Group, PLLC 11800 SUNRISE VALLEY DRIVE **SUITE 1000 RESTON VA 20191**

PCT LEGAL ADMINISTRATION

In re Application of

KONSEK, et al.

U.S. Application No.: 13/002,906 **DECISION ON PETITION**

PCT No.: PCT/SE2009/050878

Int. Filing Date: 07 July 2009 UNDER 37 CFR 1.182

Priority Date: 07 July 2008

Attorney's Docket No.: 9308-001US

A NANOSTRUCTURED LED For:

This decision is in response to applicant's response filed 28 April 2011 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.182. As authorized, the \$400.00 petition fee will be charged to deposit account number 18-1579.

BACKGROUND

On 07 July 2009, applicant filed international application PCT/SE2009/050878, which claimed priority of an earlier application filed 07 July 2008. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 04 February 2010. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 January 2011.

On 06 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an executed declaration of the inventors and an Application Data Sheet.

On 09 March 2011, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), in that the last name of the third listed inventor was different on the filed declaration than the name appearing on the published international application. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 April 2011, applicant filed the present petition.

2

DISCUSSION

The Manual of Patent Examination Procedure (MPEP) at 605.04(c) details the procedures for proceeding where an inventor's name differs between the published international application and the filed declaration. It states that in cases other than a typographical or transliteration error, where there is a discrepancy in the inventor's name between the published international application and the U.S. National stage declaration as filed and the inventor desires to change his or her name on the application to that appearing on the filed declaration, he or she must submit a petition under 37 CFR 1.182.

The present petition is accompanied by a signed statement from counsel detailing the discrepancy in the names; specifically that inventor Martynov's first name was misspelled in the international application. As this is more than a typographical or transliteration error a petition under 37 CFR 1.182 to correct the error is required. Counsel's statement confirms that the correct spelling of the inventor's name is that which appears on the filed declaration. As such, it is proper to grant applicant's petition at this time. Further, the granting of the petition perfects the declaration filed 06 January 2011 for the purposes on national stage entry into the United States of America and thus applicant has satisfied all of the 35 U.S.C. 371 requirements.

CONCLUSION

For the reasons detailed above, the petition under 37 CFR 1.182 is **GRANTED**.

The application has an international filing date of 07 July 2009 under 35 U.S.C. 363 and will be given a date of **06 January 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the PCT Operations for continued national stage processing.

Derek A. Putonen Attorney Advisor

ith aft

Office of PCT Legal Administration

Application No.: 13/002,906

Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

JUN 142011

QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE **SUITE 2040** MILWAUKEE WI 53202-4497 PCT LEGAL ADMINISTRATION

In re Application of MUNNIX

Application No.: 13/002,923 PCT No.: PCT/EP08/05610 Int'l Filing Date: 09 July 2008 Priority Date: None

Attorney Docket No.:

For: DEVICE AND METHOD FOR

DETERMINING THE DRIVING STATE OF A

VEHICLE

DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on a communication filed in the United States Patent and Trademark Office (USPTO) on 10 January 2011 to correct the international application number and treated as a petition under 37 CFR 1.182.

On 06 January 2011, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 13/002,923. However, the international application PCT/EP09/05610 was indicated on the transmittal letter and the Electronic Acknowledgement Receipt. The PCT application number PCT/EP08/05610 was identified on the Preliminary Amendment.

The instant communication is being treated as a petition under 37 CFR 1.182 to correct the PCT number for U.S. national stage application 13/002,923 and the USPTO records.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/EP08/05610 on the national stage papers filed on 06 January 2011 is **GRANTED**. The \$400 petition fee was paid.

The USPTO records will identify the present application 13/002,923 as the national stage of PCT/EP08/05610.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor

Office of PCT Legal Administration

Telephone: (571)272-3286

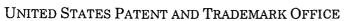


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/002,936	01/06/2011	Sami Niemi	CU-8832 ZBF 5261		
26530 I A D A S & D A	7590 06/08/2011 DDV 11D	EXAMINER			
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE			BALI, VIKKRAM		
SUITE 1600 CHICAGO II	SUITE 1600 CHICAGO, IL 60604		ART UNIT	PAPER NUMBER	
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			MAIL DATE	DELIVERY MODE	
	•		06/08/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL

LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO IL 60604

JUN 082011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In Re Application of

NIEMI, SAMI et al. Application Serial No. 13/002,936

Filed: January 06, 2011

For: METHOD FOR COMPRESSING IMAGES AND A FORMAT FOR

COMPRESSED IMAGES

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DECISION

ON PETITION

This is a response to the request for removal of the Information Disclosure Statement (IDS) filed March 15, 2011 which is treated as a petition to expunge information unintentionally submitted in application pursuant to 37 CFR §1.59(b).

Petitioner requests that the IDS filed March 14, 2011 (EFS ID 9603019 actually received March 07, 2011) be expunged from the record.

Petitioner states that the "IDS was filed in error, the reference filed has no bearing on this application".

The petition fails to meet the requirements set forth in MPEP 724.05 (II), which states in part:

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Serial No.: 13/002,936 Decision on Petition

Petitioner has not met the requirements of items B, C, D and F.

Accordingly the petition is **DISMISSED**.

Any request for reconsideration must include the requirements as outlined above.

/Michael Horabik/

Michael Horabik Quality Assurance Specialist Technology Center 2600 Communications

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Alexandria, VA 22313-1450

FEB 012011

PCT LEGAL ADMINISTRATION

THE FARRELL LAW FIRM, P.C. 290 Broadhollow Road Suite 210E Melville NY 11747

In re Application of

LEE et al.

Application No.: 13/002,949 : DECISION

PCT No.: PCT/KR2009/003687 Int. Filing Date: 07 July 2009

Priority Date: 07 July 2008

Attorney Docket No.: 1235-696 PCT US (SP9157)

For: HANDOVER PROCEDURE . . .

COMMUNICATION SYSTEM

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 06 January 2011. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 07 July 2009, applicants filed international application PCT/KR2009/003687, which designated the United States and claimed a priority date of 07 July 2008. A copy of the international application was communicated from the International Bureau to the USPTO on 14 January 2010. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 January 2011.

On 06 January 2011, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of inventors, and a petition under 37 CFR 1.47(a). The petition was accompanied by a declaration of facts by Hyuk R. Kwon with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing

Application No.: 13/002,949 -2-

inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Mr. Kwon has been considered. Although an internet search was performed for non-signing inventor Jong-In KIM using Google, it does not appear that an internet search using a people locator service was made to find a current address of Mr. KIM. Also, documentary evidence of the search of the 114 telephone information service in Korea for Mr. KIM (paragraph 11 of the declaration of Mr. Kwon) has not been provided.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Application No.: 13/002,949 -3-

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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MAY 162011

THE FARRELL LAW FIRM, P.C. 290 Broadhollow Road Suite 210E Melville NY 11747 PCT LEGAL ADMINISTRATION

In re Application of

LEE et al.

Application No.: 13/002,949 : DECISION

PCT No.: PCT/KR2009/003687 Int. Filing Date: 07 July 2009

Priority Date: 07 July 2008

Attorney Docket No.: 1235-696 PCT US (SP9157)

For: HANDOVER PROCEDURE . . .

COMMUNICATION SYSTEM

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 24 March 2011. The petition is **GRANTED**.

BACKGROUND

On 07 July 2009, applicants filed international application PCT/KR2009/003687, which designated the United States and claimed a priority date of 07 July 2008. A copy of the international application was communicated from the International Bureau to the USPTO on 14 January 2010. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 January 2011.

On 06 January 2011, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, a declaration of inventors, and a petition under 37 CFR 1.47(a). The petition was accompanied by a declaration of facts by Hyuk R. Kwon with documentation in support thereof.

On 01 February 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 24 March 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a statement of facts by Hyuk R. Kwon with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 01 February 2011, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Jong-in KIM cannot be reached after diligent effort.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of <u>06</u> <u>January 2011</u>.

Although the NOTICE OF ACCEPTANCE OF APPLICATION mailed 07 February 2011 was mailed before the petition under 37 CFR 1.47(a) was decided, it does include the correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates and is hereby affirmed.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

MAY 162011

PCT LEGAL ADMINISTRATION

Mr. Jong-in Kim #509-602, Poonglim Apt. Imae-dong, Bundang-gu Seongnam-si, Gyeonggi-do Republic of Korea

In re Application of

LEE et al.

Application No.: 13/002,949 PCT No.: PCT/KR2009/003687 Int. Filing Date: 07 July 2009 Priority Date: 07 July 2008

Attorney Docket No.: 1235-696 PCT US (SP9157)

For: HANDOVER PROCEDURE AND METHOD AND APPARATUS FOR CONTROLLING

TRANSMITTER POWER OF FEMTO BASE STATION IN BROADBAND WIRELESS

COMMUNICATION SYSTEM

Dear Mr. Kim:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

THE FARRELL LAW FIRM, P.C. 290 Broadhollow Road Suite 210E Melville NY 11747



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

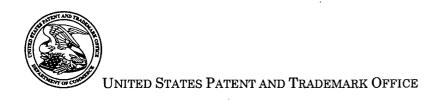
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,044	01/07/2011	Makoto Aimura	SAA-133-A	6125
21828 CARRIER BL	7590 08/16/2011 ACKMAN AND ASSO	EXAMINER		
	TEN MILE ROAD			
EATON CEN			ART UNIT	PAPER NUMBER
NOVI, MI 483	375		2482	
			•	
			NOTIFICATION DATE	DELIVERY MODE
		i	08/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com cbalaw@ameritech.net wblackman@ameritech.net



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARRIER BLACKMAN AND ASSOCIATES 43440 WEST TEN MILE ROAD EATON CENTER NOVI MI 48375

In re Application of: AIMURA, MAKOTO et al. Application No. 13003044
Filed: January 7, 2011
For: VEHICLE PERIPHERY MONITORING DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 15, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were

published in a language other than English); and (c) a statement that the English translation is accurate.

- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.
- (6) Applicant must submit (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Supervisory Patent Examiner
Technology Center 2400



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

			· ·	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,064		Sakuma EMORI	14006/205	. 6282
	7590 01/12/201 KENYON LLP		EXAM	INER
1500 K STRE SUITE 700	ET N.W.		ART UNIT	PAPER NUMBER
WASHINGTO	ON, DC 20005		3781	
			MAIL DATE	DELIVERY MODE
			01/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON DC 20005

In re Application of:

EMORI, SAKUMA et al Serial No.: 13/003,064

Filed: Jan. 7, 2011 Docket: 14006/205

Title:

GAS TANK AND

MANUFACTURING METHOD OF

GAS TANK

DECISION ON REQUEST

TO PARTICIPATE IN

PATENT PROSECUTION HIGHWAY (PPH) AND

PETITION TO MAKE

SPECIAL UNDER 37 CFR

1.102(a)

::

::

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 7, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, the application is undergoing pre-examination processing. Upon completion, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Anthony Stashick, SPE of Art Unit 3781, and 571-272-4561 for Class 220 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner Technology Center 3700 – Mechanical Engineering, Manufacturing and Products 571-272-4856



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO. 372587US26PCT 6419				
13/003,093	01/07/2011	Yukari Inoue					
•	OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.			EXAMINER			
	1940 DUKE STREET ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER			
•			3618				
			NOTIFICATION DATE	DELIVERY MODE			
			03/15/2011	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAR 1 4 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET **ALEXANDRIA VA 22314**

In re application of

Inoue et al.

Application No. 13/003,093

Filed: January 7, 2011

For: **COOLING CONDUIT ARRANGEMENT:**

FOR HYBRID VEHICLE WITH

TWO RADIATORS

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND PETITION

TO MAKE SPECIAL UNDER

37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 12, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate:
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/11/11



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON MA 02111

MAILED

In re Application of : DEC 07 2011

BANKAITIS-DAVIS et al. : OFFICE OF PETITIONS

Application No.: 13/003,101 : PCT No.: PCT/US09/49935 :

Int. Filing Date: 08 July 2009 : DECISION

Priority Date: 08 July 2008 :

Atty. Docket No.: 33743-523N01US :

For: GENE EXPRESSION : PROFILING FOR PREDICTING :

THE SURVIVABILITY OF PROSTATE CANCER

SUBJECTS

This is a decision on applicants' "PETITION UNDER 37 C.F.R. 1.47(a)" filed in the U.S. Patent and Trademark Office (USPTO) on 16 August 2011.

BACKGROUND

On 08 July 2009, applicants filed international application No. PCT/US09/49935 which claimed a priority date of 08 July 2008, and which designated the United States.

The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 08 January 2011.

On 07 January 2011, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 16 August 2011, applicants filed the present petition which requests that the application be accepted without the signature of one of the joint inventors, Karl Wassmann on the grounds that he refuses to execute the application papers. The petition was accompanied by, *inter alia*, a declaration of the inventors executed by Danute M. Bankaitis-Davis, Lisa Siconolfi

and Kathleen Storm, a "STATEMENT OF YUKO SONEOKA, Ph.D., J.D. and the requisite petition and late declaration fees.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

Concerning item (1) above, the petition asserts that the present application should be accepted for entry into the national stage based on the refusal of the co-inventor to join in the present application for patent. In this regard, section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), under the heading "REFUSAL TO JOIN" states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the application file reveals that item (1) cannot be said to have been satisfied at this time. Petitioner must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification,

claims, drawings and oath or declaration). There is no indication herein that joint inventor Karl Wassmann was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventor was e-mailed a copy of the declaration and assignment to be signed. If the joint inventor was not presented with a copy of the application papers for this application, then the joint inventor could not attest that he has "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. Did the joint inventor receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the petitioner of the responsibility to present the application papers to the joint inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventor, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).

The circumstances of the presentation of the application papers must be specified in a statement of facts by the person who presented the inventor with the application papers, i.e., Cynthia Kozakiewicz. Rule 47 requires the proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events.

Further, the statement of Yuko Soneoka presented to support the proof of pertinent facts of inventor Karl Wassmann's refusal to join in the application is insufficient. Yuko Soneoka states that "Mr Wassmaan indicated to me that he refused to sign any formal documents pertaining to Source Precision patent applications." What does "indicated" mean? MPEP 409.03(d) requires that when there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts and whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition

Therefore, in that applicants have not satisfied item (1) above, the petition under 37 CFR 1.47(a) may not be properly granted at this time.

CONCLUSION

For the reasons above the petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request

should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

Telephone inquiries should be directed to Jose' G Dees at (571) 272-1569

Jose' G. Dees Petitions Examiner Office of Petitions Fax: (571) 273-8300

Richard R. Cole

PCT Legal Examiner

Office of PCT Legal Administration

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO							
Application No:	13/003,106	Filing date:					
First Named Inventor:	Burkhard Mathies						
Title of the Invention: TEMPI	ERATURE REDUCING, H	HEALIN(G WOUND DRESSING				
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGR ÉB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML						
	' REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC						
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a L	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding PCT application number(s) is/are: PCT/US2009/058550 The international filing date of the corresponding PCT application(s) is/are: July 7, 2009							
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. Is not attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.							

Registration Number 43,058

U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

F	REQUES		N IN THE PCT-PPH PILOT EPO AND THE USPTO (continued)	r Program		
Application No.:	13/00	3 106	(continued)			
First Named Inventor:	Burkha	ard Mathies				
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached						
Claims in US Application Patentable Claims in the corresponding PCT Application PCT Application				espondence		
1		1	Same or similar scope	to claim 1 examined in the IPER		
3		2	Same or similar scope to claim 2 examined in the IPE			
4		3	Same or similar scope to claim 3 examined in the IPE			
5		4	Same or similar scope to claim 4 examined in the IPE			
6		5	Same or similar scope to claim 5 examined in the IPER			
8		6	Same or similar scope to claim 6 examined in the IP			
9		7	Same or similar scope to claim 7 examined in the IPER			
10		8	Same or similar scope to claim 8 examined in the IPER			
11		9	Same or similar scope	to claim 9 examined in the IPER		
12		10	Same or similar scope to claim 10 examined in the IPER			
14		11	Same or similar scope	to claim 11 examined in the IPER		
15		14	Same or similar scope	to claim 14 examined in the IPER		
16		12	Same or similar scope	to claim 12 examined in the IPER		
17		13	Same or similar scope	to claim 13 examined in the IPER		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.						
Signature/Stephen J. Rosenman/ Bate September 27, 2011						

 $\underset{(Print/Typed)}{^{\text{Name}}} \ \, \textbf{Stephen J. Rosenman}$

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

RENNER KENNER GREIVE BOBAK TAYLOR & WEBER FIRST NATIONAL TOWER, SUITE 400 106 SOUTH MAIN STREET AKRON OH 44308-1412

MAR 102011

PCT LEGAL ADMINISTRATION

In re Application of

GEORG, Verena, et al.

Application No.: 13/003,130

PCT No.: PCT/EP2008/058101

Int. Filing Date: 25 June 2008 : DECISION

Priority Date:

Att. Docket No.: TEZ.P.US0017

For: DEVICE FOR PERFORMING ...

MATERIAL AND A GAS

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 07 January 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The processing fee for submission of the English translation after 30 months will be charged to deposit account no. 18-0987, as authorized.

Although the Notification of Acceptance (Form PCT/DO/EO/903) mailed 24 February 2011 issued prematurely, its issuance is now appropriate and confirmed.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone:

571-272-3292

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

MAILED

www.uspto.g

Schwegman, Lundberg & Woessner, P.A. P.O. Box 2938 Minneapolis, MN 55402

OCT 25 2011

PCT LEGAL ADMINISTRATION

DECISION ON PETITION

In re Application of: GOTZENDORFER et al.

Application No.: 13/003,142

PCT No.: PCT/EP2009/004878

Int. Filing Date: 06 July 2009 Priority Date: 08 July 2008

Attorney Docket No.: 3037.035US1

For:

SOL AND METHOD FOR PRODUCING

A DELAFOSSITE MIXED OXIDE

LAYER STRUCTURE ON A

SUBSTRATE AND ALSO A SUBSTRATE

COATED WITH A MIXED OXIDE

This decision is issued in response to applicants' "Request to Corrent Inventorship Pursuant to 37 CFR 1.48" filed 07 October 2011 notifying the Office that the name of the second inventor is PEER LOBMANN as indicated on the Declaration of Inventorship rather than Peter Lobmann indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 07 October 2011 submission states that the name of the second inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration is correct. Applicants' statement is construed that the spelling error contained in the published international application resulted from a transliteration error. Accordingly, applicants' explanation of the difference in the spelling of the second inventor's name is accepted as PEER LOBMANN and noted for the record.

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 06 July 2009 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of 23 May 2011. This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

PAPER

03/23/2011

FIRST NAMED INVENTOR CONFIRMATION NO. FILING DATE ATTORNEY DOCKET NO. APPLICATION NO. 7212 13/003,226 01/07/2011 Per Bergqvist RAM-3682-122 **EXAMINER** 7590 03/23/2011 **NIXON & VANDERHYE, PC** 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 ART UNIT PAPER NUMBER 2473 MAIL DATE **DELIVERY MODE**

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- 1.

 The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- 2.

 The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- 3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- 4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Adli Law Group P.C. 633 West Fifth Street Suite 5880 Los Angeles CA 90071

MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of

WAKABAYASHI

U.S. Application No.: 13/003,300

Receipt Date: 09 January 2011

Attorney Docket No.: 1078.101

DECISION

For: METHOD FOR PRODUCING ... AND USE THEREOF

This decision is in response to applicants' petition under 37 CFR 1.181 to vacate the Notification of Abandonment, filed in the United States Patent and Trademark Office on 09 March 2011.

BACKGROUND

On 09 January 2011, applicant filed Utility Patent Application Transmittal (Form PTO/SB/05) indicating the filing was under 35 USC 111(a) and an application data sheet and preliminary amendment both indicating the filing was a "continuation," but entered electronic data indicating the application was a national phase entry under 35 USC 371. Applicant did not pay any fees.

On 12 January 2011, applicant paid fees in this application.

On 24 January 2011, applicant furnished a declaration.

On 23 February 2011, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to pay the basic national fee by 30 months.

DISCUSSION

A review of the above-captioned application file indicates it is a utility application filed under 35 U.S.C. 111(a).

As indicated in MPEP 1893.03(a), if there are any conflicting instructions as to whether the filing is under 35 USC 111(a) or 35 USC 371, the application will be accepted under 35 USC 111(a). Here, although the electronic information instructed that this application was a filing pursuant to 35 U.S.C. 371, applicant submitted the Form PTO/SB/05, which the MPEP states is a clear instruction to process under 35 USC 111(a). MPEP 1893.03(a).

As this application is not a national phase filing, the form PCT/DO/EO/909 should not have issued and is **VACATED**.

CONCLUSION

For the above reasons, applicants' petition to vacate the Notification of Abandonment is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for processing as a filing under 35 USC 111(a).

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone:

571-272-3292

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO							
Application No:	13/003312		Filing date:	01-JUL-2009			
First Named Inventor:	Yu, Ta-Hua						
Title of the Multilayer O Invention:	ptical Film Layer Comprisi	ing Blend of Meth	nyl Methacry	late Polymer and Styrene Acrylonitrile Polyme			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-F IEB. INFORMATION REGARI OV/EBC/EFS_HELP.HTML			NITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATAPPLICATION SPECIAL L			GRAM AND PETITIONS TO MAKE THE GRAM.			
of another PCT application domestic/ foreign prior	ation which claims priority to	o the correspondi CT application, or	ing PCT appl	ng PCT application, or (2) a national stage entry ication, or (3) a national application that claims I application which forms the basis for the			
The corresponding P application number(s		PCT/US200	9/049344				
The international date PCT application(s) is	e of the corresponding s/are:	01/07/2009					
		product (WO/ISA	A, WO/IPEA,	or IPER) in the above–identified			
ls <u>not</u> attach	ed because the document	is already in the l	J.S. applicati	on.			
b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached.							
Is <u>not</u> attach	ed because the document	is already in the l	J.S. applicati	on.			
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.							
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached							
Has already been filed in the above-identified U.S. application on 01/10/2011							
(2) Copies of a Are attach		r U.S. patents or	U.S. patent	application publications)			
Have already been filed in the above-identified U.S. application on 01/10/2011							

F	REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO						
			(continued)				
Application No.:	pplication No.: 13/003312						
First Named Inventor:	Yu, T	a-Hua					
II. Claims Corre	sponde	ence Table:					
Claims in US Appl	ication	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence				
Claims 1-17	7	Claims 1-17	The claims of the US application are identical to the PCT application.				
III. All the claim corresponding			iently correspond to the patentable claims in the				

Signature / Carolyn A. Fischer/	_{Date} January 13, 2011
Name (Print/Typed) Carolyn A. Fischer	39,091

PATENT COOPERATION TREATY

INTERNATIONAL SEARCHING AUTHORITY

OFFICE OF INTELLECTUAL PROPERTY COUNSEL 3M INNOVATIVE PROPERTIES COMPANY

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To:					PCT 15 23
see form PCT/ISA/220				INTERNATIO	REFERRED TO TEN OPINION OF THE NAL SEARCHING AUTHORIT (PCT Rule 43 <i>bis</i> .1)
				Date of mailing (day/month/year) s	ee form PCT/ISA/210 (second sheet)
	cant's or agent's file form PCT/ISA/2			FOR FURTHER See paragraph 2 be	- -
	national application /US2009/04934		International filing date (day/month/year)	Priority date (day/month/year) 16.07.2008
	national Patent Clas . G02B5/30 G02		both national classification 2 B32B27/08	and IPC	
Appli 3M	cant INNOVATIVE P	ROPERTIES C	COMPANY		
1.	This opinion co	ontains indication	ons relating to the fol	lowing items:	
 Box No. I Basis of the opinion Box No. II Priority Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicabil Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or induapplicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VIII Certain defects in the international application Box No. VIII Certain observations on the international application FURTHER ACTION If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. 					ill usually be considered to be a except that this does not apply where e chosen IPEA has notifed the lational Searching Authority PIPEA, the applicant is invited to ents, before the expiration of 3 months months from the priority date,
3. 	For further detai	ls, see notes to I	Form PCT/ISA/220.		\$ 7 (46) 20 03
 					• การ

Name and mailing address of the ISA:

Date of completion of this opinion

Authorized Officer

D-80298 Munich

European Patent Office

Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465

see form PCT/ISA/210 Somerville, Fiona

Telephone No. +49 89 2399-8307



International application No. PCT/US2009/049344

_	Во	x N	p. I Basis of the opinion
1.	. With regard to the language, this opinion has been established on the basis of:		
	\boxtimes	the	e international application in the language in which it was filed
			ranslation of the international application into , which is the language of a translation furnished for the rposes of international search (Rules 12.3(a) and 23.1 (b)).
2.		Th by	is opinion has been established taking into account the rectification of an obvious mistake authorized or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3.	Wit ned	h re cess	egard to any nucleotide and/or amino acid sequence disclosed in the international application and eary to the claimed invention, this opinion has been established on the basis of:
	a. t	ype	of material:
			a sequence listing
			table(s) related to the sequence listing
	b. f	orm	at of material:
			on paper
			in electronic form
	c. t	ime	of filling/furnishing:
			contained in the international application as filed.
			filed together with the international application in electronic form.
			furnished subsequently to this Authority for the purposes of search.
4.		ha co	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto s been filed or furnished, the required statements that the information in the subsequent or additional pies is identical to that in the application as filed or does not go beyond the application as filed, as propriate, were furnished.
5.	. Additional comments:		

International application No. PCT/US2009/049344

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

No:

Claims

<u>1-17</u>

Inventive step (IS)

Yes: Claims

1-17

No: Claims

Industrial applicability (IA)

Yes: Claims

1-17

No: Claims

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

V. Reasoned statement with respect to novelty and inventive step:

Reference is made to the following documents:

D1 = US-A-2005161840

D2 = EP-A-1932879

D3 = US-A-2001046086

The present Application satisfies the criterion set forth in Article 33(2), PCT, because the subject-matter of Claims 1-17 is new in respect of prior art as defined in the regulations (Rule 64(1)-(3), PCT).

The prior art cited in the International Search Report does not describe multilayer optical film comprising an optical stack comprising at least one first birefringent optical layer, at least one second layer having a birefringence of less than 0.04 at 633 nm and an optional skin layer, in which the second layer and/or skin layer comprises a blend of methyl methacrylate polymer and styrene-acrylonitrile (SAN) polymer.

The present Application satisfies the criterion set forth in Article 33(3) PCT, because the subject-matter of Claims 1-17 involves an inventive step (Rule 65(1)(2), PCT).

The closest prior art to the subject-matter of present Claim 1 is represented by document D1. This document describes (Claim 9 and paragraphs 3,15,29-38,48,49,60,154-182) multilayer optical films comprising optical stacks in which the first polymer layer is coPEN and the second layer is poly(methyl methacrylate) (PMMA). Alternatively, other polymers such as SAN may be employed as second polymer (paragraph 49). The subject-matter of present Claim 1 is distinguished

from that of D1 in that a **blend** of methyl methacrylate polymer and SAN is used as second polymer layer. The objective technical problem solved (see Table 1) is the provision of optical films with even less haze. Comparison of Controls 1 and 2 with Examples 1-4 shows that haze is improved by a blend compared with layers of PMMA alone or SAN alone. The cited prior art does mention the use of miscible blends of e.g. PMMA and SAN to optimize various properties (see D2, paragraphs 23,24,32,39,52, and D3, paragraphs 33 and 34), but there is no teaching that PMMA/SAN blends could be used to reduce haze compared with use of the individual polymers as second layer in optical stack films.

VIII. Certain observations on the Application:

Although claims 1,16 and 17 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter (compare also page 8, lines 27-30, and page 9, l.14-30) and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6, PCT.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information

For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

under Art. 19 PCT

Amending claims Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

Filing a demand for international preliminary examination

In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

Filing informal comments

After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

End of the international phase

At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).

Relevant PCT Rules and more information

Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,312	01/10/2011	Ta-Hua Yu	64402US006	7999
32692 3M INNOVA PO BOX 3342	7590 04/13/201 FIVE PROPERTIES CO 7		EXAM	INER
ST. PAUL, M			ART UNIT	PAPER NUMBER
			2872	
			NOTIFICATION DATE	DELIVERY MODE
			04/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com LegalDocketing@mmm.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL MN 55133-3427

In re Application of

YU et al. : DECISION ON REQUEST TO

Application No.: 13/003,312 : PARTICIPATE IN THE PATENT

Filed: 10 January 2011 : PROSECUTION HIGHWAY

Attorney Docket No.: 64402US006 : PROGRAM AND PETITION

For: MULTILAYER OPTICAL FILM : TO MAKE SPECIAL UNDER

LAYER COMPRISING BLEND ... : 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 14 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Patent

Case No.: 64402US006

32692 Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Yu, TA-HUA

Application No.: 13/003312 Confirmation No.: 7999

Filed: 01-JUL-2009

Title: MULTILAYER OPTICAL FILM LAYER COMPRISING BLEND OF METHYL

METHACRYLATE POLYMER AND STYRENE ACRYLONITRILE POLYMER

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(a)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

Mail Stop Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

▼ Transmitted to United States Patent and Trademark Office on the date shown below via the Office electronic filing system.

April 21, 2011 /Amber Veenendaal/

50 Date Signed by: Amber Veenendaal

Dear Sir:

This is in response to the Response to Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) dated April 13, 2011, in the above-identified application.

On January 14, 2011 Applicant submitted a Request for Participation in the Patent Cooperation Treaty – Prosecution Highway Pilot Program Between the European Patent Office and the USPTO.

The Decision indicated that Requirements 1 and 3-7 have been met; however, the application fails to meet requirement 2 (At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII.)

Case No.: 64402US006

The Applicant submits that Box VIII of the PCT Written Opinion stated as follows:

"Although claims 1, 16 and 17 have been drafted as separate independent claims, they appear to

relate effectively to the same subject-matter (compare also page 8, lines 27-30, and page

9,1.14-30) and to differ from each other only with regard to the definition of the subject-

matter for which protection is sought. The aforementioned claims therefore lack conciseness

and as such do not meet the requirements of Article 6, PCT."

The Written Opinion was issued by the European Patent Office. The Applicant submits

that it is common practice for the European Patent Office to issue a "lack of conciseness"

rejection when a patent application contains more than one independent claim directed to the

same statutory class of invention. In the European Patent Office, it is common practice that only

one independent claim is permitted in a single subject-matter class (e.g. article, method).

However, the United States Patent Office clearly allows for three independent claims in a

single patent application. Hence, the Applicant submits that the "lack of conciseness" rejection

set forth in Box VIII is not applicable to patent prosecution practice in the United States.

The Applicant submits that according to BOX VIII, the claims are directed to "effectively

the same subject-matter", i.e. the same invention. Thus, such claims should not be subject to a

restriction requirement in the United States.

Accordingly, the Applicant respectfully requests that the petition be granted.

Respectfully submitted,

April 21, 2011

Date

/Carolyn A. Fischer/

Carolyn A. Fischer, Reg. No.: 39,091

Telephone No.: 651-575-3915

Office of Intellectual Property Counsel 3M Innovative Properties Company

Facsimile No.: 651-736-3833

2

Patent

Case No.: 64402US006

 $\begin{array}{c} 32692 \\ \text{Customer Number} \end{array}$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Yu, TA-HUA

Application No.: 13/003312 Confirmation No.: 7999

Filed: 01-JUL-2009

Title: MULTILAYER OPTICAL FILM LAYER COMPRISING BLEND OF METHYL

METHACRYLATE POLYMER AND STYRENE ACRYLONITRILE POLYMER

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(a)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

Itransmitted to United States Patent and Trademark Office on the date shown below

I hereby certify that this correspondence is being:

via the Office electronic filing system.

Mail Stop Commissioner for Patents P.O. Box 1450

y (4)

Date

Alexandria, VA 22313-1450

Signed by: Amber Veenendaal

Dear Sir:

This is in response to the Response to Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) dated April 13, 2011, in the above-identified application.

On January 14, 2011 Applicant submitted a Request for Participation in the Patent Cooperation Treaty – Prosecution Highway Pilot Program Between the European Patent Office and the USPTO.

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Case No.: 64402US006

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9,1.14-30) and to differ from each other only with regard to the definition of the subject-

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and as such do not meet the requirements of Article 6, PCT."

The Written Opinion was issued by the European Patent Office. The Applicant submits

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rejection when a patent application contains more than one independent claim directed to the

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However, the United States Patent Office clearly allows for three independent claims in a

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The Applicant submits that according to BOX VIII, the claims are directed to "effectively

the same subject-matter", i.e. the same invention. Thus, such claims should not be subject to a

restriction requirement in the United States.

Accordingly, the Applicant respectfully requests that the petition be granted.

Respectfully submitted,

April 21, 2011

Date

/Carolyn A. Fischer/

Carolyn A. Fischer, Reg. No.: 39,091

Telephone No.: 651-575-3915

Office of Intellectual Property Counsel 3M Innovative Properties Company

Facsimile No.: 651-736-3833

2



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	- FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
13/003,312	01/10/2011	Ta-Hua Yu	64402US006	7999		
	7590 05/11/201 IVE PROPERTIES CO	EXAMINER				
PO BOX 33427 ST. PAUL, MN 55133-3427			D BOX 33427 SHAFER, RICKY D			
			ART UNIT	PAPER NUMBER		
			2872			
			NOTIFICATION DATE	DELIVERY MODE		
			05/11/2011	ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL MN 55133-3427

In re Application of

YU et al.

Application No.: 13/003,312 Filed: 10 January 2011

Attorney Docket No.: 64402US006
For: MULTILAYER OPTICAL FILM

LAYER COMPRISING BLEND ...

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY : PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 14 January 2011 and renewed on 21 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/003,331	01/10/2011	Masaya Watanabe	2010_1873A	8150	
	7590 04/15/2011	D	EXAMINER		
1030 15th Stree	I, LIND & PONACK L.L.I et, N.W.	r.	CARRILLO, BI	BI SHARIDAN	
Suite 400 East	C 20005 1503		ART UNIT	PAPER NUMBER	
Washington, Do			1711		
	·	•			
	•		NOTIFICATION DATE	DELIVERY MODE	
			04/15/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com eoa@wenderoth.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspio.gov

APR 15 2011

CST

In re application of

Masaya Watanabe et al Serial No. 13/003,331

Filed: January 10, 2011

For: SUBSTRATE CLEANING APPARATUS:

AND METHOD EMPLOYED THEREIN :

DECISION ON REQUEST TO

PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 10, 2011.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

Application No. 13/003,331

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s)
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/	
Christine Tierney Quality Assurance Specialist Technology Center 1700	



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/003,342	02/16/2011	Yasuhiro Yamakoshi	OGOSH161USA	8226	
²⁷⁰ HOWSON & F	7590 06/01/2011 HOWSON L.L.P	EXAMINER			
501 OFFICE CENTER DRIVE					
SUITE 210 FORT WASHI	SUITE 210 FORT WASHINGTON, PA 19034			PAPER NUMBER	
10101 WILDIN	1.010,11117001		1733		
			NOTIFICATION DATE	DELIVERY MODE	
			06/01/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@howsonandhowson.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

EL

May 31, 2011

In re application of Yamakoshi, Yasuhiro Serial No. 13/003342

Filed: February 16, 2011

For: NICKEL ALLOY SPUTTERING TARGET AND NICKEL

SILICIDE FILM

:

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 16, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form; Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Emily M. Le

Emily M. Le

Supervisory Patent Examiner,
Technology Center 1700

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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MAILED

FEB 07 2011

PCT LEGAL ADMINISTRATION

In re Application of MOORE et al

U.S. Application No.: 13/003,388

PCT Application No.: PCT/US2008/065219

Int. Filing Date: 30 May 2008

Priority Date Claimed: 06 June 2007

A # - D - -1--4 N - . 049069 422065

Attorney Docket No.: 048968-422065 For: DIETARY SUPPLEMENTS FOR

PROMOTION OF GROWTH, REPAIR, AND

MAINTENANCE OF BONE AND JOINTS

. DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 January 2011.

BACKGROUND

On 30 May 2008, applicant filed international application PCT/US2008/065219, which claimed priority of an earlier United States application filed 06 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 December 2009.

On 08 December 2009, international application PCT/US2008/065219 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 January 2011, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Byan Lin PCT Legal Examiner

PCT Legal Office

Telephone: 571-272-3303 Facsimile: 571-273-0459

MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

APR 28 2011

SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON DC 20037

PCT LEGAL ADMINISTRATION

In re Application of: CHUNG, Sung-Kee, et al.

U.S. Application No.: 13/003,414

PCT No.: PCT/KR2009/001470

International Filing Date: 23 March 2009

Priority Date: 22 July 2008

Attorney's Docket No.: Q122344

For: INOSTITOL, AND TREHALOSE

DERIVATIVES ...

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" filed 01 March 2011, treated herein as a petition under 37 CFR 1.182 to change the name of record of the fifth inventor from C. Ghosh SUBHASH to Subash C. GHOSH. Deposit Account No. 19-4880 will be charged the required \$400 petition fee.

BACKGROUND

On 23 March 2009, applicants filed international application PCT/KR2009/001470. The international application claimed a priority date of 22 July 2008, and it designated the United States. On 28 January 2010, a copy the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 January 2011.

The published international application and the PCT Request Form (PCT/RO/101) identified the fifth inventor as second inventor as C. Ghosh SUBHASH.

On 10 January 2011, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), and an executed declaration. The declaration and the ADS identified the fifth inventor as Subash C. GHOSH.

On 02 February 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the

declaration filed on 10 January 2011 was not acceptable because of the inconsistency between the name of record for the fifth inventor and the inventor's name as listed on the declaration.

On 02 February 2011, applicants filed the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" considered herein.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The Notification Of Missing Requirements mailed 02 February 2011 indicated that there was a discrepancy between the name of the fifth inventor as listed on the published international application and on the declaration. Applicants' response confirms that the correct name of the fifth inventor is Subash C. GHOSH, as listed on the declaration, and that the inventor's names were transposed in the PCT Request, resulting in the inventor being misidentified in the international application as C. Ghosh SUBHASH in the international application.

The difference between the correct name of the fifth inventor and this inventor's name of record is more than a mere typographical or transliteration error. Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required. Applicants' present submission has therefore been treated as the required petition under 37 CFR 1.182.

Applicants' petition includes the authorization to charge Deposit Account No. 19-4880 for required fees, pursuant to which the Deposit Account will be charged the required \$400 petition fee. Applicants' petition also includes the required confirmation that the correct name of the inventor is Subash C. GHOSH, as listed on the declaration and ADS filed herein. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record of the fifth inventor from C. Ghosh SUBHASH to Subash C. GHOSH.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the fifth inventor from C. Ghosh SUBHASH to Subash C. GHOSH is **GRANTED**.

Based on this correction, the executed declaration filed 10 January 2011 is no longer defective and may be accepted in compliance with 37 CFR 1.497.

It is noted that the acceptable declaration was filed prior to the expiration of thirty months from the priority date. Accordingly, payment of the surcharge required by the Notification Of Missing Requirements is not necessary herein.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 January 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO				
Application No:	13/003,433	Filing date:	JANUARY 10, 2011	
First Named Inventor:	GUY RICHARD C	HANDLER		
Title of the Invention: EXHAL	JST SYSTEM FOR A	A LEAN BUF	RN IC ENGINE	
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILO IEB. INFORMATION REGARDING EFS OV/EBC/EFS_HELP.HTML		WITH THE REQUIRED DOCUMENTS MUST BE AT	
	REQUESTS PARTICIPATION IN APPLICATION SPECIAL UNDER		GRAM AND PETITIONS TO MAKE THE GRAM.	
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a L	The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.			
The corresponding P application number(s	PCT/GB2009/05	0794		
The international filin PCT application(s) is	ng date of the corresponding s/are: JULY 6, 2009			
	Documents: atest international work product (PCT application(s)	(WO/ISA, WO/IPEA,	or IPER) in the above–identified	
l	ed because the document is alread	y in the U.S. applicati	on.	
	aims which were indicated as ha d corresponding PCT application		ive step and industrial applicability in the	
Is <u>not</u> attache	ed because the document is already	y in the U.S. applicati	on.	
			ed (if the documents are not in the English ttached for the document in b. above.	
1				

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO					
	(continued)				
Application No.: 13/	/003,433				
First Named Inventor: GU	Y RICHARD CHANDLER				
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on					
Are attache	ed.	5. patents or U.S. patent applica			
Have alrea	idy been filed in the above-ide	ntified U.S. application on			
II. Claims Correspo	ndence Table:				
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence					
1	8		CLAIMS AS AMENDED		
2-5	2-5		RELATED PCT AND U.S. APPLICATIONS		
10-15	10-15	IDENTICAL CLAIMS FILED IN F	RELATED PCT AND U.S. APPLICATIONS		
<u> </u>					
			<u> </u>		
:					
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
	Nh " TA		A 11.40 004.4		
Signature	mstops		Date April 13, 2011		
Name (Print/Typed) CHRI	STOPHÉR R. L	EWIS	Registration Number 36,201		

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference AA 1852 PCT	FOR FURTHER ACTION	See item 4 below			
International application No. PCT/GB2009/050794	International filing date (day/month/year) 06 July 2009 (06.07.2009)	Priority date (day/month/year) 09 July 2008 (09.07.2008)			
International Patent Classification (8t See relevant information in Form	nternational Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237				
Applicant JOHNSON MATTHEY PUBLIC LI	MITED COMPANY				

1.	This int Internati	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> . 1(a).			
2.	This REPORT consists of a total of 10 sheets, including this cover sheet.				
	In the a reference	ttached sheets, any refee to the international	Terence to the written opinion of the International Searching Authority should be read as a preliminary report on patentability (Chapter I) instead.		
3.	This rep	oort contains indication	ns relating to the following items:		
	\mathbf{X}	Box No. I	Basis of the report		
		Box No. II	Priority		
		Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
i	\mathbf{X}	Box No. IV	Lack of unity of invention		
	X	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
		Box No. VI	Certain documents cited		
	X	Box No. VII	Certain defects in the international application		
	\times	Box No. VIII	Certain observations on the international application		
4.	but not,	ernational Bureau will except where the app rity date (Rule 44bis.	communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 licant makes an express request under Article 23(2), before the expiration of 30 months from 2).		

	Date of issuance of this report 11 January 2011 (11.01.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Dorothée Mülhausen
Facsimile No. +41 22 338 82 70	e-mail: pt01.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

То:			PCT	
- · · · · ·	In the second second			
see for	m PCT/ISA/220		WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORIT (PCT Rule 43 <i>bis</i> .1)	
		Date of mailir (day/month/ye		
Applicant's or agent's see form PCT/IS/		FOR FUR	THER ACTION oh 2 below	
International application PCT/GB2009/050	l l	nal filing date (day/month/year) 009	Priority date (day/month/year) 09.07.2008	
	lassification (IPC) or both nationa F01N3/023 F01N3/035 F01		20	
Applicant JOHNSON MAT	THEY PUBLIC LIMITED CO	OMPANY		

1. This opinion	contains indications relating	ng to the following items:		
🛛 Box Nö. I	Basis of the opinion			
□ Box No. I				
☐ Box No. I	Non-establishment of opi	nion with regard to novelty,	inventive step and industrial applicability	
Box No. I		<u>-</u>		
⊠ Box No. \	Reasoned statement und applicability; citations and	ler Rule 43 <i>bis.</i> 1(a)(i) with re dexplanations supporting su	gard to novelty, inventive step or industrial uch statement	
☐ Box No. \	I Certain documents cited			
☑ Box No. \	II Certain defects in the inte	ernational application		
🖾 Box No. V	III Certain observations on t	he international application		
2. FURTHER A	CTION		en e	
written opinio the applicant	n of the International Prelimin chooses an Authority other th Bureau under Rule 66.1 <i>bis</i> (b)	ary Examining Authority ("IF an this one to be the IPEA a	nion will usually be considered to be a PEA") except that this does not apply where and the chosen IPEA has notifed the International Searching Authority	
submit to the	IPEA a written reply together, of mailing of Form PCT/ISA/2	where appropriate, with an	of the IPEA, the applicant is invited to nendments, before the expiration of 3 months of 22 months from the priority date,	
For further or	tions, see Form PCT/ISA/220			
3. For further de	tails, see notes to Form PCT/	ISA/220.		
••				
·			<u> </u>	
Name and mailing ad	dress of the ISA:	Date of completion of this opinion	Authorized Officer	
Europe	an Patent Office	see form		
	8 Munich	PCT/ISA/210	Röberg, Andreas	
	9 89 2399 - 0		Telephone No. +49 89 2399-4779	

International application No. PCT/GB2009/050794

_	Box	N	lo. I Basis of the opinion								
1.	With regard to the language, this opinion has been established on the basis of:										
		the	ne international application in the language in which it w	as filed							
		a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).									
2.		This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))									
3.	 With regard to any nucleotide and/or amino acid sequence disclosed in the international application necessary to the claimed invention, this opinion has been established on the basis of: 										
	a. ty	pe	e of material:			•					
	[a sequence listing		-						
	[table(s) related to the sequence listing		•						
	b. fo	orm	mat of material:		•						
	[3	on paper								
	Į		in electronic form			·					
	c. ti	me	e of filing/furnishing:	•		-					
	I		contained in the international application as filed.	. "							
	[filed together with the international application in elec-	etronic form.		··					
	I]	furnished subsequently to this Authority for the purpo	ses of search.		•					
4.		ha ço	n addition, in the case that more than one version or co as been filed or furnished, the required statements that opies is identical to that in the application as filed or do ppropriate, were furnished.	the information	in the subsequent	or additional					
5	Δdr	litio.	onal comments:								

International application No. PCT/GB2009/050794

	Par	v No IV	Lack of unity of	invention								
_	DO)	x No. IV							11. 2 - Ma -			
1. ☑ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant h applicable time limit:									thin the			
		, 🛛	paid additional fee	S		7						
			paid additional fee	s under pr	otest and, v	where applicable, the	protest fee					
			paid additional fee	s under pr	otest but th	e applicable protest	fee was not	paid				
		Ó	not paid additional	fees								
		the applicant to pay additional fees.										
3.	Thi	s Author	rity considers that th	ie requiren	nent of unit	y of invention in acco	ordance with	Rule 13.1, 1	13.2 and 13.3 is			
		complie	d with						· •			
•	×	not com	plied with for the fo	lowing rea	sons:							
	see separate sheet											
4.	Co	nsequer	ntly, this report has l	oeen estak	olished in re	espect of the followin	g parts of the	e internation	al application:			
	⊠ all parts.											
		•	s relating to claims	Nos		_			, ,			
	٠	ille part	s relating to claims	1403.			•	•				
_					or Dulo 42	his 1/a\/i\ with road	rd to povolt	y inventive	eten or			
	ind	x No. V Iustrial	Heasoned state applicability; citati	ment und ons and e	er Hule 43 explanation	<i>bis</i> .1(a)(i) with regans supporting such	statement	y, ilivelitive				
1.	Sta	atement										
	No	velty (N))	Yes:	Claims	<u>2-5,8-15,22</u>						
				No:_	Claims	1,6,7,16-21	•	***************************************				
	lnv	entive s	tep (IS)	Yes:	Claims	<u>2-5,8,10-15</u>						
-				No:	Claims	1,6,7,9,16-22		•••				
	Ind	lustria <u>l</u> <u>a</u>	pplicability (IA)	Yes:	Claims	<u>1-22</u>	-					
				No:	Claims							
			•			1 m						

2. Citations and explanations

see separate sheet

International application No. PCT/GB2009/050794

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

PCT/GB2009/050794

Re Item IV.

The separate inventions are:

Claims 1 - 18

An exhaust system comprising a first substrate monolith comprising a catalyst for oxidising nitric oxide followed downstream by a second substrate monolith which is a wall-flow filter having inlet channels and outlet channels, wherein the inlet channels comprise a No absorber catalyst comprising a catalytic oxidation component and the outlet channels comprise a catalyst for selective catalytic reduction of nitrogen oxides with nitrogenous reductant.

Claims 19-22

A wall-flow filter having first and second channels, wherein the first channels comprise a NOx absorber catalyst comprising a catalytic oxidation component and the second channels comprise a catalyst for selective catalytic reduction of nitrogen oxides with nitrogenous reductant, wherein the second channels comprise a clean-up catalyst for converting ammonia and/or hydrocarbons and carbon monoxide.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The first invention (claims 1 - 18) solves the problem of assisting in passive combustion of particulate matter in the wall-flow filter

The second invention (claims 19-22) solves the problem of preventing ammonia and/or hydrocarbons and carbon monoxide escaping from the SCR catalyst.

The single general concept of claims 1 and 19 is:

A wall-flow filter having first and second channels, wherein the first channels comprise a NOx absorber catalyst comprising a catalytic oxidation component and the second channels comprise a catalyst for selective catalytic reduction of nitrogen oxides with nitrogenous reductant.

This single general concept is anticipated by the prior art (see e.g. document US7062904 figures 4 and 6, column 5, line 29 - 49; column 5 line 61 - column 6, line 3) and is therefore not inventive.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/GB2009/050794

The subject-matter of claims 1 and 19 therefore lacks a general inventive concept and do consequently not fulfill the requirements of Rule 13.1 PCT concerning unity of invention.

Re Item V.

1 Reference is made to the following document:

D1: US 7 062 904 B1 (HU HAORAN [US] ET AL) 20 June 2006 (2006-06-20) cited in the application

D2: US 2005/129601 A1 (LI YUEJIN [US] ET AL LI YUEJIN [US] ET AL) 16 June 2005 (2005-06-16)

- 2 INDEPENDENT CLAIMS 1 and 19
- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

 Document D1 discloses (the references in parentheses applying to this document, see figures 4 and 6):

An exhaust system (30) for a lean-burn internal combustion engine (21), which system comprising a first substrate monolith (23) comprising a catalyst for oxidising nitric oxide (NO) followed downstream by a second substrate monolith (24) which is a wall-flow filter having inlet channels and outlet channels, wherein the inlet channels comprise a NOx absorber catalyst (NAC) comprising a catalytic oxidation component (52) and the outlet channels comprise a catalyst for selective catalytic reduction (SCR) of nitrogen oxides (NOx) with nitrogenous reductant (53): see column 4, line 33 - 54; column 5, line 29 - 49; column 5, line 61 - column 6, line 3.

It should be noted that document D1 is cited by the applicant as differing from the present application in that there is no disclosure of an upstream catalyst for oxidising nitric oxide in combination with a NOx absorber catalyst comprising a catalytic oxidation component. However column 7, line 12 - 18 reads:

The catalyst of the NOx trap 31 can also serve the function of the optional oxidation catalyst 23: providing NO2 for continuous oxidation of soot in the device 10. A further option is to provide the NOx trap 31 with an additional catalyst for the sole purpose of oxidizing some of the escaping NO to NO2.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

PCT/GB2009/050794

Such a catalyst is preferably concentrated near the outlet of the NOx trap 31.

From this wording it is clear that the oxidizing capability of the NOx trap (31) can be provided *in addition* to the oxidation catalyst (23). The result of such an adaptation of the NOx trap (31) would imply an exhaust gas system with an oxidising catalyst upstream of a wall-flow filter wherein the inlet channels comprise a NOx trap with an oxidation component and wherein the outlet channels comprise an SCR catalyst. This anticipates the subject-matter of claim 1.

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 19 is not new in the sense of Article 33(2) PCT.

Document D2 discloses (the references in parentheses applying to this document, see figures 13 and 14):

A wall-flow filter having first channels and second channels, wherein the first channels comprise a NOx absorber catalyst (NSR Catalyst) comprising a catalytic oxidation component and the second channels comprise a catalyst for selective catalytic reduction (SCR catalyst) of nitrogen oxides (NOx) with nitrogenous reductant, wherein the second channels comprise a clean-up catalyst (oxidation catalyst) for converting ammonia and/or hydrocarbons and carbon monoxide: see claims 25 - 34.

It is clear from document D2 that an oxidation catalyst can serve the purpose of oxidizing carbon monoxide to carbon dioxide, it can oxidize unburned hydrocarbons and also function as an ammonia slip oxidation catalyst: see paragraphs [0101] - [0102]. Claim 34 of D2 discloses the use of an oxidation catalyst both at the inlet and the outlet of the wall-flow filter channels. The subject-matter of claim 19 is therefore not novel.

- 3 DEPENDENT CLAIMS 6, 7, 9, 16 18, 20 and 21
- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the additional subject-matter of claims 6, 7, 9, 16 18, 20 and 21 is not novel in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document, see figures 4 and 6):

Claim 6: The NAC (and the SCR catalyst are combined in the same catalyst: see column 10, line 41 - column 11, line 17.

Claim 7: The NO oxidation catalyst (23) is an oxidation catalyst: see column 4, line 15 - 35.

Claim 16: The NAC catalyst is an alkaline earth metal oxide or an alkali metal: see column 6, line 4 - 27.

Claims 17 and 18: The SCR catalyst is made of Cu, V or Fe. Fe being a group 8 transition metal. Furthermore suggested is the use of TiO2.

The document D2 discloses (the references in parentheses applying to this document, see figures 4 and 6):

Claim 20: The clean-up catalyst (oxidation catalyst) is located in a zone of substantially uniform length defined at one end by an inlet end of the channels comprising the SCR catalyst: see claim 34 of D2.

Claim 21: The clean-up catalyst (oxidaiton catalyst) is disposed in a separate layer overlying the SCR catalyst: see claim 34 of D2.

3.2 The present application does not meet the criteria of Article 33(1) PCT, because the additional subject-matter of claims 9 and 22 does not involve an inventive step in the sense of Article 33(3) PCT.

Claim 9: The selection of a flow-through monolith for the first substrate monolith is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

Claim 22: The subject-matter of claim 22 only concern various lengths of the different zones of the respective NAC, SCR and clean-up catalyst at which the person skilled in the art would arrive by mere trial and error without any inventive effort when designing the wall-flow filter of document D2 (claims 25 - 34).

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/GB2009/050794

Re Item VII.

- To meet the requirements of Rule 6.2 PCT the independent claims should be properly recast in the two-part form, with those features known from the prior art (D1) being placed in the preamble.
- The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Re Item VIII.

- The application does not meet the requirements of Article 6 PCT, because claims 12, 13 and 15 are not clear:
- Claims 12 and 13 both refer to a clean-up catalyst which has not been clearly defined. For the sake of the search the clean-up catalyst is interpreted as to be the catalyst for converting ammonia and/or hydrocarbons and carbon monoxide defined in claim 11.
- The relative term "relatively low-loaded" used in claim 15 has no well-recognised meaning and leaves the reader in doubt as to the meaning of the technical features to which it refer, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.

WO 2010/004320 PCT/GB2009/050794

CLAIMS:

1. An exhaust system for a lean-burn internal combustion engine, which system comprising a first substrate monolith comprising a catalyst for oxidising nitric oxide (NO) followed downstream by a second substrate monolith which is a wall-flow filter having inlet channels and outlet channels, wherein the inlet channels comprise a NO_x absorber catalyst (NAC) comprising a catalytic oxidation component and the outlet channels comprise a catalyst for selective catalytic reduction (SCR) of nitrogen oxides (NO_x) with nitrogenous reductant.

- 2. An exhaust system according to claim 1, wherein the inlet channels of the wall-flow filter comprise a SCR catalyst disposed downstream of the NAC.
- 3. An exhaust system according to claim 2, wherein the wall-flow filter comprises a length extending from an inlet end to an outlet end, wherein the NAC is located in a first zone of substantially uniform length from 30-70% of the wall-flow filter length with an upstream zone end defined by the wall-flow filter inlet end.
- 4. An exhaust system according to claim 3, wherein the SCR catalyst is located in a second zone of substantially uniform length from 30-70% of the wall-flow filter length with a downstream end defined by the wall-flow filter outlet end.
- 5. An exhaust system according to claim 4, wherein the first zone and the second zone overlap.
- 6. An exhaust system according to claim 1, wherein the NAC and the SCR catalyst are combined in the same catalyst.
- 7. An exhaust system according to any preceding claim, wherein the NO oxidation catalyst is an oxidation catalyst.
- 8. An exhaust system according to any of claims 1 to 6, wherein the NO oxidation catalyst is a NAC.

WO 2010/004320 PCT/GB2009/050794

9. An exhaust system according to any preceding claim, wherein the first substrate monolith is a flow-through substrate monolith.

- 10. An exhaust system according to any of claims 1 to 8, wherein the first substrate monolith is a partial filter.
- 11. An exhaust system according to any preceding claim, wherein the outlet channels comprise a catalyst for converting ammonia and/or hydrocarbons and carbon monoxide.
- 12. An exhaust system according to claim 11, wherein the clean-up catalyst is located in a zone of substantially uniform length defined at a downstream end by a wall-flow filter outlet end.
- 13. An exhaust system according to claim 10, wherein the clean-up catalyst is disposed in a separate layer overlying the SCR catalyst.
- 14. An exhaust system according to claim 11 or 12, when dependent on claim 3, wherein the SCR catalyst is located in a second zone of substantially uniform length from 30-65% of the wall-flow filter length with an upstream end of the second zone defined by a downstream end of the first zone and the clean-up catalyst is disposed in a third zone of substantially uniform length from 5-40% of the wall-flow filter length with an upstream end of the third zone defined by a downstream end of the second zone and at a downstream end by the outlet end of the wall-flow filter.
- 15. An exhaust system according to any of claims 11 to 14, wherein the clean-up catalyst is a relatively low-loaded platinum on alumina.
- 16. An exhaust system according to any preceding claim, wherein the NAC catalyst is selected from the group consisting of at least one alkaline earth metal, alkali metal and rare earth metal, the or each of which is optionally supported on a refractory oxide.
- 17. An exhaust system according to any preceding claim, wherein the SCR catalyst is selected from the group consisting of a transition metal/zeolite, and at least one of Cu, Hf, La, Au, In, V, lanthanides and Group VIII transition metals supported on a refractory oxide.

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18. An exhaust system according to claim 17, wherein the refractory oxide is selected from Al₂O₃, TiO₂, CeO₂, SiO₂, ZrO₂ and mixed oxides containing two or more thereof.

- 19. A wall-flow filter having first channels and second channels, wherein the first channels comprise a NO_x absorber catalyst (NAC) comprising a catalytic oxidation component and the second channels comprise a catalyst for selective catalytic reduction (SCR) of nitrogen oxides (NO_x) with nitrogenous reductant, wherein the second channels comprise a clean-up catalyst for converting ammonia and/or hydrocarbons and carbon monoxide.
- 20. A wall-flow filter according to claim 19, wherein the clean-up catalyst is located in a zone of substantially uniform length defined at one end by an inlet end of the channels comprising the SCR catalyst.
- 21. A wall-flow filter according to claim 20, wherein the clean-up catalyst is disposed in a separate layer overlying the SCR catalyst.
- 22. A wall flow filter according to claim 20, wherein the wall-flow filter comprises a length extending from a first end to a second end, wherein the NAC is located in a first zone of substantially uniform length from 30-70% of the wall-flow filter length with an upstream zone end defined by the first end of the wall-flow filter, the SCR catalyst is located in a second zone of substantially uniform length from 30-65% of the wall-flow filter length with an upstream end of the second zone defined by a downstream end of the first zone and the clean-up catalyst is disposed in a third zone of substantially uniform length from 5-40% of the wall-flow filter length with an upstream end of the third zone defined by a downstream end of the second zone and at a downstream end by the second end of the wall-flow filter.



United States Patent and Trademark Office

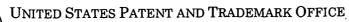
UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE FIRST NAMED INVENTOR AA 1852 US 8709 Guy Richard Chandler 13/003,433 04/13/2011 95567 7590 07/29/2011 **EXAMINER** RatnerPrestia (JM) P.O. Box 980 ART UNIT PAPER NUMBER Valley Forge, PA 19482-0980 3748

> DELIVERY MODE MAIL DATE **PAPER** 07/29/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

RatnerPrestia (JM) P.O. Box 980 Valley Forge PA 19482-0980

In re Application of:

CHANDLER, GUY RICHARD, et al

Serial No.: 13/003433 Filed: 04/13/2011

Attorney Docket No.: AA 1852 US

Title:

EXHAUST SYSTEM FOR A LEAN

BURN IC ENGINE

DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER

CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 13, 2011 to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3 above.

Regarding Claim #1, the request to participate in the PPH pilot program and petition does not show EPO allowed claim 8 as corresponding with the current pending claim 1. Applicant acknowledges in the petition that in the allowed EPO Claim 8, depends from any claim 1-6. In corresponding U.S. Claim 1, however, the language appears to more closely track rejected EPO Claim 1. In order to grant this PPH petition, it is suggested that the applicant submit a response explaining how the EPO allowed claim 8 relates to US claim 1.

Regarding new claims #23 through #29 added/amended on July 12, 2011, neither the petition nor the amendment specify corresponding patentable PCT claims. In order to grant this PPH petition, it is suggested that applicant cancel new Claims 23-29, or submit a response explaining how these addition claims relate to the allowed PCT claims.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is dismissed.

/Henry C. Yuen/

Henry C. Yuen Special Programs Examiner Technology Center 3700

Tel: 571-272-4856

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450 Alexandria, VA 22313

MAILED

AUG 09 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD FL 33022-2480

In re Application of

CHEN et al.

Application No.: 13/003,443 PCT No.: PCT/EP09/58384 Int. Filing Date: 03 July 2009 Priority Date: 09 July 2008 Attorney Docket No.: 2008P12775

METHOD AND DEVICE FOR CON-For:

TROLLING OR MONITORING FIRING

SYSTEMS

DECISION

: ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicant's Petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 01 June 2011.

BACKGROUND

On 01 February 2011, a Notification of Missing Requirements was mailed indicating, inter alia, that a declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 01 June 2011, applicant filed a petition under 37 CFR 1.47(a) indicating that inventor Chen was hospitalized and unavailable to execute the declaration. Applicant also submitted a request for a two month extension of time, which is granted.

On 01 August 2011, executed declarations (Form PTO/SB/103) were filed.

DISCUSSION

A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application. The declarations state the residency, citizenship and mailing address of each inventor. Thus, the declarations are acceptable and the requirements of 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted. The declarations are acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declarations executed by the joint inventors and submitted on 01 August 2011 are in compliance with 37 CFR 1.497(a) and (b) and are acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 01 August 2011.

/Cynthia M. Kratz/ Cynthia M. Kratz Attorney Advisor PCT Legal Office

Telephone: (571) 272-3286 Facsimile: (571) 273-0459

Commissioner for Patents United States Patent and Trademark Office Washington, D.C. 20231

Lucas & Mercanti, LLP 475 Park Avenue South 15th Floor New York NY 10016

MAILED

JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of

CAVIA et al.

Serial No.: 13/003,472

PCT No.: PCT/ES2009/000362

Int. Filing Date: 10 July 2009

Priority Date: 11 July 2008 Atty Docket No.: CUC-202

For:

BIOSENSOR SUPPORT

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's "Petition to Proceed Without Inventor Participation under 37 CFR 1.47(a)" filed 16 March 2011, to accept the application without the signature of joint inventor, Daniel Arquero Cavia.

BACKGROUND

On 10 July 2009, applicant filed international application PCT/ES2009/000362 which claimed priority to a previous application filed 11 July 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 January 2011.

On 10 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 02 February 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 16 March 2011, applicant filed the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Daniel Arquero Cavia.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR

Application No.: 13/003,472

1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4).

Applicant states in the present petition that Daniel Arquero Cavia has refused to execute the application. Section 409.03(d) of the MPEP, **Proof of Unavailability or Refusal**, states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Daniel Arquero Cavia. The declaration of Koldo Atzutegi states that Daniel Arquero Cavia has refused to sign the inventor's declaration for this application. However, no documentary evidence to support the refusal or the attempt was provided with Koldo Atzutegi's declaration.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings)

were sent to Daniel Arquero Cavia, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration. Therefore, item (2) has not been satisfied.

3

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is <u>DISMISSED</u>.

Any reconsideration on the merits of this petition must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459

Commissioner for Patents United States Patent and Trademark Office Washington, D.C

Lucas & Mercanti, LLP 475 Park Avenue South 15th Floor New York NY 10016

MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

In re Application of

CAVIA et al.

Serial No.: 13/003,472

PCT No.: PCT/ES2009/000362

Int. Filing Date: 10 July 2009

Priority Date: 11 July 2008

Atty Docket No.: CUC-202 For: BIOSENSOR SUPPORT **DECISION ON PETITION**

UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 03 August 2011. In a decision dated 29 June 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Daniel Arquero CAVIA, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is most since the declaration filed 03 August 2011 with the present petition was executed by the named inventor, the previous nonsigning inventor, Daniel Arquero CAVIA. The declaration filed 03 August 2011 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED as MOOT.

The application has an international filing date of 10 July 2009 under 35 U.S.C. 363 and a date of 03 August 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith

Authory or

Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298 Fax: (571) 273-0459 Doc Code: PPH.PCT.652 Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO				
Application No:	13/003,484	Filing date:	April 25, 2011	
First Named Inventor:	Cross et al.			
Title of the Invention: Proces	s and System for Fabrica	ition of l	Patterns on a Surface	
SUBMITTED VIA EFS-W HTTP://www.USPTO.G	/EB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML	AVAILABLE		
APPLICANT HEREBY ABOVE-IDENTIFIED	/ REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC	T-PPH PRO T-PPH PROG	GRAM AND PETITIONS TO MAKE THE BRAM.	
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.				
The corresponding PCT PCT/EP2009/004846 application number(s) is/are:				
The international filing date of the corresponding PCT application(s) is/are: 3 July 2009				
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached				
Is <u>not</u> attached because the document is already in the U.S. application.				
b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached.				
Is <u>not</u> attached because the document is already in the U.S. application. c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.				

[Page 1 of 2]
This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Registration Number 58175

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO				
	SETWEEN THE EPO AND THE USPTO (continued)			
Application No.: 13/0	03,484			
First Named Inventor: Cros				
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached				
Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on II. Claims Correspondence Table:				
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence				
1	1	identical to PCT claim		
2	2 2 identical to PCT claim			
3	3 identical to PCT claim, with multiple dependencies removed			
4.	4	4 identical to PCT claim		
5				
6 6 identical to PCT claim, with multiple dependencies removed				
7 7 identical to PCT claim, with multiple dependencies removed				
8 identical to PCT claim, with multiple dependencies removed				
9.	9 9 identical to PCT claim, with multiple dependencies removed			
10	10	identical to PCT claim, with multiple dependencies removed		
11	11	identical to PCT claim, with multiple dependencies removed		
12	12	identical to PCT claim		
13	13	identical to PCT claim, with multiple dependencies removed		
: 14	14	identical to PCT claim, with multiple dependencies removed		
15	15	identical to PCT claim, with multiple dependencies removed		
19	19	identical to PCT claim, with multiple dependencies removed		
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
/James A. Culverwell/				

Name (Print/Typed) James A. Culverwell

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

 The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the

course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42

U.S.C. 218(c)).

- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,484	04/25/2011	Graham L. W. Cross	PDL-003	8988
22832 K&L Gates LL	· -	an a	EXAM	INER
One Lincoln St		.K	ART UNIT	PAPER NUMBER
BOSTON, MA	. 02111-2950		1785	
			NOTIFICATION DATE	DELIVERY MODE
			07/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BostonPatents@klgates.com kay.spiridigliozzi@klgates.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BC

July 12, 2011

In re application of

CROSS, GRAHAM L. W. et al.

Serial No. 13/003,484

Filed: January 10, 2011

For: Process and System for Fabrication

of Patterns on a Surface

DECISION ON REQUEST TO

PARTICIPATE IN PATENT

PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 17, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 13/003,484

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Conditions (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2). Regarding the requirement of condition (2), the International Preliminary Report on Patentability is not free of observations in Box VIII of the report and the applicant has not identified or explained why the claims are not subject to the observation in Box VIII.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS). Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/
Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,484	04/25/2011	Graham L. W. Cross	PDL-003	8988
K&L Gates LL			EXAM	INER
One Lincoln St		K	ART UNIT	PAPER NUMBER
BOSTON, MA	02111-2950		1785	
			NOTIFICATION DATE	DELIVERY MODE
			09/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BostonPatents@klgates.com kay.spiridigliozzi@klgates.com





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 1 3 2011

WG

In re application of Graham Cross et al. Serial No. 13/003.484

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

Filed: April 25, 2011

PROGRAM AND

For: PROCESS AND SYSTEM FOR

PETITION TO MAKE SPECIAL

FABRICATION OF PATTERNS

UNDER 37 CFR 1.102(a)

ON A SURFACE

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed July 13, 2011 with request to reconsider the initial dismissal of the petition filed August 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

Application No. 13/003,484

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

MAILED

AUG 03 2011

PCT LEGAL ADMINISTRATION

21967 HUNTON & WILLIAMS LLP Intellectual Property Department 1900 K Street, N.W., Suite 1200 Washington, DC 20006-1109

In re Application of FROHBERG et al

U.S. Application No.: 13/003,495

PCT No.: Unknown

Int. Filing Date: 09 July 2009 Priority Date: 10 July 2008

Attorney Docket No.: 65084.000077 For: WHEAT STARCH AND WHEAT

> FLOURS AND FOODSTUFFS CONTAINING THESE WHEAT STARCHWHEAT FLOURS

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 06 June 2011.

BACKGROUND

On 10 January 2011, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/IB2009/005098. All other papers filed listed the international application as PCT/EP2009/005098.

On 06 April 2011, a communication was mailed notifying applicants of the problem and requesting a petition to correct the PCT number.

On 06 June 2011, applicants filed the subject petition which was accompanied by a \$400.00 petition fee.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/EP2009/005098 and to correct the priority claims. The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The transmittal letter (Form PTO-1390), declaration, ADS, specification, and international papers all indicate that the international application is

PCT/EP2009/005098. WIPO records show that the title, international filing date, and listed applicants correspond to PCT/EP2009/005098, not PCT/IB2009/005098.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/EP2009/005098 but for a clerical error made upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/EP2009/005098, which claims priority to U.S. provisional application No. 61/134,465, filed 10 July 2008, and foreign priority to EP 08075631.5, filed 10 July 2008.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Document Description: Petition to make special under PCT-Patent Pros Hwy

ment Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO						
Application No:	To be assigned Filing date: 01/10/2011					
First Named Inventor:	Ingemann Hvas SAND	VAD				
Title of the SYSTEM Invention:	FOR MONITORING A RESTORATI	ON FACTO	R OF A WIND TURBINE POPULATION			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGI IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		NITH THE REQUIRED DOCUMENTS MUST BE AT			
	REQUESTS PARTICIPATION IN THE PO APPLICATION SPECIAL UNDER THE PC					
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding P application number(s			·			
The international filing date of the corresponding PCT application(s) is/are: July 11, 2008						
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application.						
 A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 						
Is <u>not</u> attache	ed because the document is already in the U	J.S. applicatio	n.			
	tions of the documents in a. and b. above atement that the English translation is a		ed (if the documents are not in the English cached for the document in b. above.			

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO				
(continued)				
Application No.:	pplication No.: To be assigned			
First Named Inventor:	Ingem	ann Hvas SANDVAD		
WO/ISA Is atta	, WO/IPI ched	EA, IPER) of the correspo	ending PCT application.	international work products (ISR,
LJ	•		fied U.S. application on	
Are at	tached.		patents or U.S. patent applica	
<u> </u>			tified U.S. application on	
II. Claims Corre	sponde	ence Table:		
Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence				•
1-24		1-24	Clain	ns are the same.
: :				
			WAREARD CONTRACTOR OF THE CONT	
	<u></u>	**************************************		
	•			
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
	Signature / Clifford A. Ulrich/ Date January 10, 2011			
Name (Print/Typed) Clifford A. Ulrich Registration Number 42,1		Registration Number 42,194		

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- A record from this system of records may be disclosed, as a routine use, in the course of presenting
 evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the
 course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,538	04/22/2011	04/22/2011 Ingemann Hvas Sandvad		9327
26646 KENYON & K			EXAM	INER
ONE BROAD' NEW YORK, I			ART UNIT	PAPER NUMBER
,			· 2857	
			MAIL DATE	DELIVERY MODE
			06/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

KENYON & KENYON LLP ONE BROADWAY NEW YORK NY 10004

In re Application of

SANDVAD et al.

Application No.: 13/003,538

Filed: 22 April 2011

Attorney Docket No.: [15159/3]

For: SYSTEM FOR MONITORING A

RESTORATION FACTOR OF A WIND

TURBINE POPULATION

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 10 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young

TQAS Technology Center 2800 - Semiconductors, Electrical & Optical Systems & Components

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO						
Application No:	13/003,565 Filing date: December 13, 2010					
First Named Inventor:	Marten					
Title of the Invention: High-a	ccuracy low-power curren	ıt senso	r with large dynamic range			
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGFIEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML					
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC					
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.						
The corresponding PCT application number(s) is/are: PCT/US10/60106						
The international filing date of the corresponding PCT application(s) is/are: December 13, 2010						
I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s) Is attached.						
Is <u>not</u> attached because the document is already in the U.S. application.						
 b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s). Is attached. 						
Is <u>not</u> attached because the document is already in the U.S. application.						
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.						

Registration Number 32746

U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO (continued)					
Application No.:		(continued)			
First Named Inventor:					
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on					
Are attached.		oatents or U.S. patent application	·		
II. Claims Correspon	dence Table:				
Claims in US Application	Claims in US Application Patentable Claims in the corresponding PCT Application Explanation regarding the correspondence				
1-32 1-32 identical			identical		
	_				
	+				
_					
	+				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.					
Signature /s/ Date October 28, 2011					

Name (Print/Typed) Carl Oppedahl

US application number 13/003,565

Patent Prosecution Highway Box VIII Comments

It is noted that the Written Opinion has Box VIII.

The Box-VIII problem is caused by a typographical error. Claim 32 as filed said "system" when it should have said "method". A preliminary amendment has been filed to correct the typographical error.

/s/

Carl Oppedahl PTO Reg. 32746



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

OPPEDAHL PATENT LAW FIRM LLC POBOX 5940 **DILLION CO 80435-5940**

In re Application of **MARTEN**

Application No.: 13/003,565 Filed: January 12, 2011

Attorney Docket No.: SNDN.P-009-NP For: HIGH-ACCURACY LOW-POWER **CURRENT SENSOR WITH LARGE**

DYNAMIC RANGE

MAILED

FEB 0 1 2012

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, Australia, Austria, KIPO, NPI, Russia, Finland, Spain, Sweden, China or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to Technology Center 2858 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

DECISION

PATENT SERVICES 915 Merchant Walk, Suite D **HUNTSVILLE AL 35801**

PCT LEGAL ADMINISTRATION

MAR 162011

In re Application of: CUFFE, Robert, A.

U.S. Application No.: 13/003,574 (37 CFR 1.42) PCT No.: PCT/US2009/050338

International Filing Date: 10 July 2009

Priority Date: 10 July 2008

Attorney's Docket No.: CUFFEPAT3 **DISPOSABLE TRADESHOW**

BOOTHS

This decision is issued in response to the submission of a declaration that identifies two persons as the heirs of deceased purported inventor Robert W. Womack. The declaration is considered herein under 37 CFR 1.42 and 1.497. No petition fee is required.

BACKGROUND

On 10 July 2009, applicants filed international application PCT/US2009/050338. The international application claimed a priority date of 10 July 2008, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 10 January 2011. The international application identified a single inventor, Robert A. CUFFE.

On 10 January 2011, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), and the partially executed declaration considered herein under 37 CFR 1.42 and 1.497. The declaration includes two persons, Christopher M. WASHCO and Clay A. WOMACK, identified thereon as heirs of a deceased purported additional inventor, Robert W. WOMACK.

DISCUSSION

37 CFR 1.42 states in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representative(s) must be on the declaration, as well as the residence and mailing address of the legal representative(s) and all other information required under 37 CFR 1.497.

Here, the published international application listed one applicant/inventor for the United States: Robert A. CUFFE. The international application listed two additional persons as applicants for the United States, Christopher M. WASHCO and Clay A. WOMACK; however, these persons are not identified on the international application as inventors or as legal representatives (or heirs) of an inventor of record on the application. Christopher M. WASHCO and Clay A. WOMACK are therefore not appropriate applicants for the United States (see 35 USC 111(a)(1)).

The declaration filed by applicants on 10 January 2011 is executed by applicant/inventor Robert A. CUFFE. However, the declaration also names Christopher M. WASHCO and Clay A. WOMACK, neither of whom executed the declaration but both of whom are identified thereon (and in the ADS) as heirs of a deceased purported additional inventor, Robert W. WOMACK. As noted above, the sole inventor named on the international application is Robert A. CUFFE. Because Robert W. WOMACK is not an inventor of record on the international application, the listing of his heirs on the declaration is improper. The declaration filed on 10 January 2011 is therefore defective for failure to properly identify the inventors of record and is not acceptable under 37 CFR 1.497.

If Robert W. WOMACK is a (deceased) co-inventor of the present application, then applicants must add Robert W. WOMACK as an additional inventor of record pursuant to the procedure set forth in 37 CFR 1.497(d) to (see MPEP section 1893.01(e)). In addition to the materials required under 37 CFR 1.497(d), any grantable request to correct inventorship herein must be accompanied by a revised declaration acceptable under 37 CFR 1.42 and 1.497. Such revised declaration must be executed by the surviving inventor and by the legal representative(s) or all the heirs of the deceased inventor. The declaration must include all the information required by 37 CFR 1.497, including the names and citizenship of both inventors, as well as all the information required under 37 CFR 1.497(b)(2) with respect to the persons signing the declaration on behalf of the deceased inventor, that is, an express statement of their relationship

¹ The PCT Request (Form PCT/RO/101) included a declaration in Box VIII (ii) indicating that Robert W. WOMACK was an inventor of the subject matter of the application, but Robert W. WOMACK was not named as an inventor in Box III of the PCT Request, as required for him to be considered an inventor of record in the international application.

² It is noted that, where the inventor to be added is deceased, the inventor's statement of non-deceptive intent required under 37 CFR 1.497(d)(1) may be executed by the legal representative(s) or all the heirs of the inventor.

to the deceased inventor (e.g., heir, legal representative) and their citizenship, residence and mailing addresses. In addition, if the persons signing on behalf of the deceased inventor are his heirs, rather than his legal representatives, the declaration must be accompanied by a statement confirming that the listed heirs are the sole heirs of the deceased inventor and that no legal representative has been appointed or is required to be appointed by law.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 with respect to deceased purported co-inventor Robert W. WOMACK is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide a proper and timely response will result in abandonment. Extensions of time are available under 37 CFR 1.136(a).

If Robert W. WOMACK was a co-inventor for the present application, then a proper response must include a grantable request under 37 CFR 1.497(d) to add Robert W. WOMACK as an additional inventor of record herein, as well as a revised declaration executed by the surviving inventor and the legal representative(s) or heir(s) of the deceased inventor that includes all required information, as discussed in detail above. In the alternative, if Robert W. WOMACK is not a proper co-inventor of the present application, then applicants must submit a revised declaration that names only Robert A. CUFFE as the sole inventor. Any such declaration should be accompanied by an explanation as to why the original declaration submitted herein included the heirs of the purported co-inventor Robert W. WOMACK.

A proper response must also include payment of the \$65 small entity surcharge for filing an acceptable oath or declaration later than thirty months after the priority date.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

PATENT SERVICES 915 Merchant Walk, Suite D HUNTSVILLE AL 35801

In re Application of: CUFFE, Robert, A., et al.

U.S. Application No.: 13/003,574

PCT No.: PCT/US2009/050338

International Filing Date: 10 July 2009

Priority Date: 10 July 2008

Attorney's Docket No.: CUFFEPAT3

For: DISPOSABLE TRADESHOW

BOOTHS

DECISION ON REQUEST UNDER 37 CFR 1.497(d) AND RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Request Under 37 CFR 1.497(d)" and revised declaration filed on 23 May 2011, considered herein as a renewed submission under 37 CFR 1.42. No petition or processing fee is required.

BACKGROUND

On 10 July 2009, applicants filed international application PCT/US2009/050338. The international application claimed a priority date of 10 July 2008, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 10 January 2011. The published international application identified a single inventor, Robert A. CUFFE.

On 10 January 2011, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an application data sheet (ADS), and the partially executed declaration considered herein under 37 CFR 1.42 and 1.497. The declaration included two persons, Christopher M. WASHCO and Clay A. WOMACK, identified thereon as heirs of a deceased additional inventor, Robert W. WOMACK.

On 16 March 2011, a decision was issued dismissing without prejudice applicant's request for status with respect to deceased inventor Robert W. WOMACK. The decision stated that Robert W. WOMACK was not an inventor of record in the present application and therefore was not properly listed on the declaration. The decision also indicated that, even were Robert W. WOMACK effectively added to the application under 37 CFR 1.497(d), the declaration filed on 10 January 2011 would not be acceptable on behalf of the deceased inventor because it did not include all the information required under 37 CFR 1.497(b) and 1.42.

On 23 May 2011, applicant filed the "Request Under 37 CFR 1.497(d)" considered herein, accompanied by a revised declaration considered herein as a renewed submission under 37 CFR 1.42.

DISCUSSION

Applicant asserts that, on the basis of the declaration under PCT Rule 4.17(ii) included with the PCT Request filed in the international application, Robert W. WOMACK was adequately identified as an inventor for the present application. The declaration under PCT Rule 4.17(iv) included a statement identifying Robert W. WOMACK as "the inventor of the subject matter of this application."

Based on further review of the international application file, it is concluded that Robert W. WOMACK was adequately identified as an inventor in the international application and is therefore properly considered as an inventor of record in the present national stage application. A grantable request to correct inventorship under 37 CFR 1.497(d) is therefore not required, and applicant's request under 37 CFR 1.497(d) is appropriately dismissed as moot.

With respect to applicant's renewed submission under 37 CFR 1.42, the revised declaration filed on 23 May 2011 includes all required information regarding Robert W. WOMACK and his legal representatives, Christopher M. WASHCO and Clay A. WOMACK. Specifically, the declaration expressly identifies the persons signing on behalf of the deceased inventor as the heirs and legal representatives of the deceased inventor, and it sets forth the citizenship of the deceased inventor and the citizenship, residence, and post office addresses of the legal representatives. Accordingly, the revised declaration filed on 23 May 2011 is acceptable with respect to the deceased inventor under 37 CFR 1.42 and 1.497(b).

CONCLUSION

Robert W. WOMACK is confirmed as an inventor of record herein. The request to correct inventorship under 37 CFR 1.497(d) is therefore moot. The inventors of record for the present national stage application are Robert A. CUFFE and Robert W. WOMACK, deceased.

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Robert W. WOMACK is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 May 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296 **Doc Code: PPH.PET.652** PTO/SB/20PCT-EP (05-10)

Document Description: Petition to make special under PCT-Patent Pros Hwy Approved for use through 01/31/2012. OMB 0651-0058 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO				
Application No.:	13/003,595 Filing Date: January 11, 2011			
First Named Inventor	: Christopher G. BRIGHT			
Attorney Docket No.:	148232			
Title of the Invention:	A PROTECTION ARRANGEMENT FOR AN ELECTRICAL POWER DISTRIBUTION NETWORK			
SUBMITTED VIA EF	R PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE S-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT O.GOV/EBC/EFS_HELP.HTML.			
	BY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE D APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.				
The corresponding PCT application number(s) is/are: PCT/EP2009/005342				
The international date of the corresponding PCT application(s) is/are: July 23, 2009				
a. A co	equired Documents: py of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified esponding PCT application(s)			
☐ Is atta	ached.			
⊠ Is <u>not</u>	attached because the document is already in the U.S. application.			
	A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).			
☐ Is atta	ached.			
⊠ Is <u>not</u>	attached because the document is already in the U.S. application.			
	ish translations of the documents in a. and b. above are attached (if the documents are not in the ish language). A statement that the English translation is accurate is attached for the document in ove.			

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO (continued)				
Application No.:	13/003,595			
First Named Inventor:	First Named Inventor: Christopher G. BRIGHT			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.				
☐ Is atta	ched.			
	ready been filed in the above-	identified U.S. application on <u>January 19, 2011</u>		
(2) Copie	s of all documents (except)	for U.S. patents or U.S. patent application publications)		
☐ Are at	ached.			
⊠ Have a	already been filed in the above	e-identified U.S. application on <u>January 19, 2011</u>		
II. Claims Correspo	ondence Table:			
Claims in US Applicati	on Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence		
1-2	1-2	The claims are the same		
3-10	2-10	Sufficiently Correspond Notwithstanding PCT Multiple Dependencies		
11 11		The claims are the same		
12 12 Sufficien		Sufficiently Correspond Notwithstanding PCT Multiple Dependencies		
13-14	13-14	The claims are the same		
15-19	15-19	Sufficiently Correspond Notwithstanding PCT Multiple Dependencies		
<u> </u>				
III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Signature School Date March 2, 2011				
Name	les A. Oliff	Registration Number 27,075		
Name (Print/Typed) Edw	vard J. Wise	Registration Number 34,523		

[Page 2 of 2]

OLIFF & BERRIDGE, PLC P.O. Box 320850 Alexandria, Virginia 22320-4850 Telephone: (703) 836-6400 DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,595	01/11/2011	Christopher G. Bright	148232	9835
25944 OLIFF & BER P.O. BOX 320		EXAMINER		
ALEXANDRIA, VA 22320-4850			ART UNIT	PAPER NUMBER
			2121	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com jarmstrong@oliff.com



United States Patent and Trademark Office

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

OLIFF & BERRIDGE, PLC P.O. BOX 320850 **ALEXANDRIA VA 22320-4850**

In re Application of: C. BRIGHT Application No. 13/003,595 Atty Docket #: 148232 Filed: January 11, 2011 For: PROTECTION ARRANGEMENT FOR AN

ELECTRICAL POWER DISTRIBUTION

NETWORK

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 2, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application

Or'

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application. Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
 - a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PĆT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

Application SN 13/003,595 Decision on Petition

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan Quality Assurance Specialist, Technology Center 2100, Workgroup 2180 571-272-4210

MAILED

AUG 03 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

FISH & RICHARDSON P.C. (NY) P.O. BOX 1022 MINNEAPOLIS MN 55440-1022

In re Application of:

BRADLEY, James, et al.

U.S. Application No.: 13/003,634 PCT No.: PCT/US2009/050225

International Filing Date: 10 July 2009

Priority Date: 11 July 2008

Attorney's Docket No.: 07703-0465US1 For: AUTOMATED DOCUMENT

HANDLING SYSTEM

DECISION ON REQUEST UNDER

37 CFR 1.497(d)

This decision is issued in response to the "PETITION FOR CORRECTION OF INVENTORSHIP OF UTILITY PATENT APPLICATION UNDER 37 C.F.R. § 1.48(a)" filed by applicants on 16 June 2011, considered here under 37 CFR 1.497(d). Applicants have paid the required \$130 processing fee.

BACKGROUND

On 10 July 2009, applicants filed international application PCT/US2009/050225. The application claimed a priority date of 11 July 2008, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 January 2011. The published international application identified a single applicant/inventor for the United States: James BRADLEY.

On 11 January 2011, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS). The ADS listed James BRADLEY as the sole applicant/inventor.

On 17 February 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration incompliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional claims fees.

On 16 June 2011, applicants filed a response to the Notification Of Missing Requirements (with required two-month extension fee). The response included payment of the

¹ The present petition refers to 37 CFR 1.48(a); however, 37 CFR 1.48(a) applies only to U.S. non-provisional applications. Where, as here, an applicant seeks to correct inventorship in an application entering the national stage in the United States under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

required surcharge, an authorization to charge Deposit Account No. 06-1050 additional required fees (pursuant to which the Deposit Account will be charged the additional claims fees required), declarations executed by the inventor of record and four additional persons, and the request to correct inventorship considered herein under 37 CFR 1.497(d). The request seeks to add the four additional persons who executed the declaration (Christopher A. CAMPBELL, Andrew P. COOK, Jonathan D. LEWIS, and Gregory H. SELKE) as additional inventors of record in the present application.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92bis. See 37 CFR 1.41(a)(4). Accordingly, an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied. These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declarations filed by applicants on 16 June 2011 name an inventive entity different than that set forth in the international application. Specifically, Christopher A. CAMPBELL, Andrew P. COOK, Jonathan D. LEWIS, and Gregory H. SELKE have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted statement executed by an officer of the assignee consenting to the requested change in inventorship, and such statement of consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements for a grantable request to correct inventorship under 37 CFR 1.497(d). The request to add Christopher A. CAMPBELL, Andrew P. COOK, Jonathan D. LEWIS, and Gregory H. SELKE as additional inventors of record is therefore appropriately granted.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is GRANTED.

The inventorship of record herein is corrected to add Christopher A. CAMPBELL, Andrew P. COOK, Jonathan D. LEWIS, and Gregory H. SELKE as additional inventors of record.

In view of the correction of inventorship, the declaration filed on 16 June 2011 is acceptable in compliance with 37 CFR 1.497(a) and (b).

Deposit Account No. 06-1050 will be charged the additional \$1,430 in extra claims fees required by the Notification Of Missing Requirements.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 June 2011.

/RichardMRoss/

Richard M. Ross Attorney Advisor Office of PCT Legal Administration Telephone: (571) 272-3296

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

GlaxoSmithKline GLOBAL PATENTS -US, UW2220 P. O. BOX 1539 KING OF PRUSSIA PA 19406-0939

MAILED

JUN 20 2011

In re Application of

DECISION

PCT LEGAL ADMINISTRATION

ABILA, et al.

Application No.: 13/003,657

PCT No.: PCT/EP2009/058832

Int. Filing Date: 10 July 2009

Priority Date: 11 July 2008

Attorney's Docket No.: PB62990

For:

TREATMENT OF AMYOTROPHIC LATERAL

SCLEROSIS BY NOGO-A-ANTAGONIST

This decision is issued in response to applicant's petition under 37 CFR1.182 filed 27 May 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the \$400.00 petition fee.

BACKGROUND

On 28 March 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and filed Form PTO-1390 transmittal letter.

On 27 May 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/EP2009/058832. An examination of the originally filed papers finds that the correct international application number was entered into the USPTO's EFS-Web filing system on 11 January 2011 and listed on the other papers concurrently filed. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 11 January 2011 and to permit such materials to be treated as having been directed to international application PCT/EP2009/058832.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data

Application No.: 13/003,657

have been corrected and are now associated with PCT/EP2009/058832.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen Attorney Advisor

Office of PCT Legal Administration

Tel: 571-272-3294



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,675	01/11/2011	Takeshi Kato	T&A-7715	1468
MATTINGLY	7590 09/29/2011 & MALUR, PC		EXAM	INER
1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			2196	
			MAIL DATE	DELIVERY MODE
			09/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

www.uspto.gov

MATTINGLY & MALUR, PC 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA VA 22314

In re Application of: KATO et al. Application No. 13/003,675 Attorney Docket #: **T&A-7715**

Filed: January 11, 2011

For: OPERATIONS MANAGEMENT APPARATUS OF INFORMATION-PROCESSING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 1, 2011, and the supplemental filed on 9/23/2011, to make the above-identified application special.

The petition is **GRANTED.**

Or

Or

Or

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):
 - (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,
 - (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO
 - (c) is an application which shares a common priority document with the application filed in JPO
 - (d) and the JPO application are derived from/related to a PCT application having no priority claim

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s)
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.
- b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from
 - the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Application SN 13/003,675 Decision on Petition

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan Quality Assurance Specialist, Technology Center 2100, Workgroup 2180 571-272-4210



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,687	01/11/2011	Jun Okitsu	T&A-7714	1541
	7590 09/29/2011 & MALUR, PC		EXAM	INER
SUITE 370			ART UNIT	PAPER NUMBER
ALEXANDRIA	A, VA 22314		2115	
			MAIL DATE	DELIVERY MODE
			09/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MATTINGLY & MALUR, PC 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA VA 22314

In re Application of: OKITSU et al. Application No. 13/003,687 Attorney Docket #: **T&A-7714**

Filed: January 11, 2011

For: OPERATIONS MANAGEMENT METHOD OF INFORMATION-PROCESSING SYSTEM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 1, 2011, and the supplemental filed on 9/23/2011, to make the above-identified application special.

The petition is **GRANTED**.

Or

Or

Or

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):
 - (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,
 - (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO
 - (c) is an application which shares a common priority document with the application filed in JPO
 - (d) and the JPO application are derived from/related to a PCT application having no priority claim

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s)
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.
- b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or iii. if the JPO application is a first action allowance then no office action from
 - the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Application SN 13/003,687 Decision on Petition

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan Quality Assurance Specialist, Technology Center 2100, Workgroup 2180 571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

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FEB 07 2011

PCT LEGAL ADMINISTRATION

MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FIFTH FLOOR 720 WATER STREET TOLEDO OH 43604-1619

In re Application of

WILLEY, et al.

Application No.: 13/003,697

PCT No.: PCT/US2009/038845

Int. Filing Date: 30 March 2009

Priority Date: 31 March 2008

Atty. Docket No.: 1-52604

For: CANCER RISK BIOMARKER

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen Attorney Advisor

Mall

Office of PCT Legal Administration

Tel: (571) 272-3294



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Cooper & Dunham, LLP 30 Rockefeller Plaza 20th Floor New York, NY 10112 MAILED

NOV 2 1 2011

PCT LEGAL ADMINISTRATION

In re Application of

WATT et al.

Application No.: 13/003,726

PCT No.: PCT/AU2009/000896

Int. Filing Date: 13 July 2009

Priority Date: 11 July 2008

Attorney Docket No.: 82422/JPW/DES

For: CD40-L INHIBITORY PHYLOMER

PEPTIDES

DECISION ON REQUEST

This decision is issued in response to applicant's "Communication in Response to August 02, 2011 Notification of Defective Response and Request to Correct Inventorship under 37 CFR 1.497(d)" dated 02 September 2011. The \$130 petition fee has been submitted.

BACKGROUND

On 13 July 2009, applicant filed international application PCT/AU2009/000896 which claimed a priority date of 11 July 2008. The international application named Paul Michael Watt and Richard Hopkins as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 January 2011.

On 11 January 2011, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee.

On 28 January 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an additional claims fee of \$741, a sequence listing in compliance with 37 CFR 1.821-1.825, and oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 21 July 2011, applicant submitted the additional claims fee, a sequence listing and a declaration of inventorship.

Application No.: 13/003,726

On 02 August 2011, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration in compliance with 37 CFR 1.497(a)-(b) must be filed.

On 02 September 2011, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

Request under 37 CFR 1.497(d)

In the instant case, the international application named Michael Watt and Richard Hopkins as applicant/inventors. Applicants request to add Katrin Hoffmann as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has submitted a statement from the persons being added (Katrin Hoffmann) as an inventor in compliance with 37 CFR 1.497(d)(1). Applicant has submitted a declaration executed by the named inventors. Further, the \$130 processing fee required under 37 CFR 1.497(d)(3) has been submitted. Lastly, the submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(4) and 3.73(b). Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

Name of Added Inventor

Petitioner states that the correct spelling of the added inventor's name is Katrin HOFFMANN. Further, petitioner states that the spelling error contained in the 21 July 2011 declaration resulted from a typographical error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the added inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

Application No.: 13/003,726

Katrin Hoffmann will be added as inventors herein.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

50670
DAVIS WRIGHT TREMAINE LLP/Los Angeles
865 Figueroa Street
Suite 2400
Los Angeles, CA 90017-2566

MAILED

MAR 0 4 2011

PCT LEGAL ADMINISTRATION

In re Application of FERGUSON et al

U.S. Application No.: 13/003,755

PCT No.: PCT/GB2008/004072 Int. Filing Date: 11 December 2008

Priority Date: 12 December 2007 Docket No.: 81965-001US0

For: METHODS FOR THE INHIBITION OF

SCARRING

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 11 January 2011 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration pursuant to PCT Rule 4.17(iv) was filed in PCT/GB2008/004072.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.go

MAILED

MAR 112011

PCT LEGAL ADMINISTRATION

DAVIS WRIGHT TREMAINE LLP/Los Angeles 865 FIGUEROA STREET

SUITE 2400

LOS ANGELES CA 90017-2566

In re Application of

FERGUSON, Mark William James, et al.

Application No.: 13/003,760

PCT No.: PCT/GB2008/004078

Int. Filing Date: 11 December 2008

Priority Date: 12 December 2007

Att. Docket No.: 81965-002US0

For: DEVICE FOR PERFORMING ...

MATERIAL AND A GAS

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 11 January 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge for submission of the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 04-0258, as authorized.

Although the Notification of Acceptance (Form PCT/DO/EO/903) mailed 01 March 2011 issued prematurely, its issuance is now appropriate and confirmed.

/Erin P. Thomson/

Erin P. Thomson Attorney Advisor PCT Legal Administration

Telephone:

571-272-3292

Certificate of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-WEB on January 13, 2011.

/William R. Allen/

January 13, 2011

William R. Allen, Ph.D. Reg. No, 48,389

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Erik Carl Lehnskov Miranda

Serial No.: 13003773

Filed: January 12, 2011

Group Art Unit: Unknown Examiner: Unknown Confirmation No.: 1484

Title: METHOD OF CONTROLLING A VARIABLE SPEED WIND

TURBINE

Attorney Docket: VWS-240US

Cincinnati, Ohio 45202 January 13, 2011

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicant hereby submits a statement to support Applicant's petition for the Green Technology Pilot Program, which is filed on even date herewith. The Applicant seeks special status because the invention disclosed and claimed in the present application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic lifesustaining natural elements. The materiality standard is satisfied because the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements and/or the claimed invention

materially contributes to development of renewable energy or energy conservation and

greenhouse gas emission reduction. Specifically, the claimed invention relates to wind turbines

that operate using a renewable natural resource (wind) rather than fossil fuels and, more

specifically, to a method of controlling a wind turbine. Wind turbine operation without the

consumption of fossil fuels enhances the quality of the environment, contributes to the

development of renewable energy, and reduces greenhouse gas emission.

Early and favorable consideration of Applicant's petition and this claims contained in this

application are respectfully requested.

Applicant does not believe any fees are due in connection with filing this communication

other than the publication fee. If, however, any fees are necessary as a result of this

communication, the Commissioner is hereby authorized to charge any under-payment or fees

associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/

William R. Allen, Ph.D.

Reg. No, 48,389

2700 Carew Tower

441 Vine Street

Cincinnati, OH 45202

(513) 241-2324 (voice)

(513) 421-7269 (facsimile)

wallen@whepatent.com

-2-

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10) Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM						
Attor Num	ney Docket ber:	VWS-240US	Application Number (if known):	^{er} 13/003,773	Filing date:	January 12, 2011
First Inver	Named E	rik Carl Lehns	kov Miran	da		
Title:	Metho	od of Controlling	a Variable	Speed Wind	Turbine	
APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.						
This	petition	must be timely filed elec	ctronically using	the USPTO electro	onic filing sys	tem, EFS-Web.
1.	By filing	this petition:				
	Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.					
2.	2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.					
3.	This red	quest is accompanied by	y statements of s	special status for th	ne eligibility re	equirement.
4.	The app	olication contains no mo	re than three (3)) independent claim	ns and twenty	y (20) total claims.
5.	The app	olication does not conta	in any multiple d	ependent claims.		

6. Other attachments:				
Signature /William R. Allen/	Date 01-13-2011			
Name (Print/Typed) William R. Allen	Registration Number 48389			
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.				
*Total of forms are submitted.				

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,773	02/18/2011	Erik Carl Lehnskov Miranda	VWS-240US	1484
83583 Wood, Herron 441 Vine Stree	7590 04/05/201 & Evans, LLP (Vestas		EXAM	INER
2700 Carew To	wer		. ART UNIT	PAPER NUMBER
Cincinnati, OH	45202		2839	
				•
			MAIL DATE	DELIVERY MODE
		•	04/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

Wood, Herron & Evans, LLP (Vestas Wind Systems) 441 Vine Street 2700 Carew Tower Cincinnati OH 45202

In re Application of

Eric MIRANDA : DECISION ON PETITION
Application No. 13/003,773 : TO MAKE SPECIAL UNDER

Filed: 18 February 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. VWS-240US : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 13, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young

Quality Assurance Specialist Technology Center 2800



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.usplo.gov

MAILED

APR 132012

QFFICE OF PETITIONS

IPLA P.A. 3550 WILSHIRE BLVD. 17TH FLOOR LOS ANGELES CA 90010

In re Application of Chul-Hwan KIM et al Application No.: 13/003,781 Filed: January 12, 2011

Attorney Docket No.: 2016-42 For: COLOR CAPSULE

COMPOSITION FOR COSMETICS, PREPARATION METHOD THEREOF AND COSMETIC FORMULATION : DECISION ON REQUEST TO : PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION : TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 29, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

or

- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,

or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at 571-272-0602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Thurman K. Page /
Petitions Examiner

Office of Petitions



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	· ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,801	01/12/2011	Kiyomi Oonishi	ARC-1232-36	1746
NIXON & VAI	7590 04/25/201 NDERHYE, PC		EXAM	INER
ARLINGTON,	LEBE ROAD, 11TH F VA 22203	LOOK	ART UNIT	PAPER NUMBER
			1781	
			MAIL DATE	DELIVERY MODE
			04/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

UNDER 37 CFR 1.102(a)

April 25, 2011 CST

In re application of : DECISION ON REQUEST TO Kiyomi Oonishi et al : PARTICIPATE IN PATENT Serial No. 13/003,801 : PROSECUTION HIGHWAY

Filed: January 12, 2011 : PROGRAM AND

For: FAT-AND-OIL COMPOSITION, AND : PETITION TO MAKE SPECIAL

OIL-IN-WATER EMULSIFIED : PRODUCT CONTAINING THE :

NOVEL CURABLE RESIN : FAT-AND-OIL COMPOSITION :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 15, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications. (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

5) Applicant must submit documentation of prior office action, for example, a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s).

While applicant has indicated that JP 4445037B2 (JPO application 2009-524248) was allowed in a first office action, a review of this file via the Dossier Access System indicates that a Reasons for Refusal was mailed on 9/15/09. A copy of the Reasons for Refusal should be made of record in the present application.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Application No. 13/003,801

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,801	01/12/2011	Kiyomi Oonishi	ARC-1232-36	1746
23117 NIXON & VA	7590 05/18/2011 NDERHYE, PC		EXAM	INER
901 NORTH C ARLINGTON	SLEBE ROAD, 11TH FLO VA 22203	OR	ART UNIT	PAPER NUMBER
THE HOLD	,		1781	
			MAIL DATE	DELIVERY MODE
			05/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





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MAY 18 2011

CST

In re application of Kiyomi Oonishi et al Serial No. 13/003,801

Filed: January 12, 2011

For: FAT-AND-OIL COMPOSITION, AND

OIL-IN-WATER EMULSIFIED PRODUCT CONTAINING THE NOVEL CURABLE RESIN FAT-AND-OIL COMPOSITION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

PROGRAM AND

PETITION TO MAKE SPECIAL

UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed May 12, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;

Application No. 13/003,801

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

Application No. 13/003,801

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI FL 33180

MAILED MAR 2 2 2011

PCT LEGAL ADMINISTRATION

In re Application of

MULLER

Application No.: 13/003,827

PCT No.: PCT/DE2009/000976 : DECISION ON PETITION

Int. Filing Date: 10 July 2009

Priority Date: 10 July 2008 : UNDER 37 CFR 1.137(b)

Atty. Docket No.: 7100-X11-033

For: AIRBAG MODULE AND SEAT RELATED

THERETO, AND ALSO MANUFACTURING APPARATUS AND ASSEMBLY METHOD

THEREFOR

The petition to revive under 37 CFR 1.137(b) filed 12 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen Attorney Advisor

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Office of PCT Legal Administration

Tel: (571) 272-3294



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI FL 33180

MAILED

JUL 25 2011

PCT LEGAL ADMINISTRATION

DECISION ON PETITION

UNDER 37 CFR 1.42

In re Application of

MULLER

Application No.: 13/003,827

PCT No.: PCT/DE2009/000976

Int. Filing Date: 10 July 2009

Priority Date: 10 July 2008

Att D. 1 (N. 7100 X11 022

Attorney Docket No.: 7100-X11-033

For: AIRBAG MODULE AND SEAT

RELATED THERETO, AND ALSO : MANUFACTURING APPARATUS AND :

ASSEMBLY METHOD THEREFOR

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 08 June 2011 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 22 March 2011, applicant was mailed a decision granting applicant's petition under 37 CFR 1.137(b) to revive the above-captioned application.

On 08 April 2011, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 08 June 2011, applicant filed the present petition under 37 CFR 1.42.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or

2

declaration, and apply for and obtain a patent."

The declaration filed 08 June 2011 was executed by Ursula Muller as the legal representative to the estate of deceased inventor Helmut Muller. However, the declaration does not provide the citizenship of Mrs. Muller. Pursuant to 37 CFR 1.497(b) this information must be provided for both the legal representative as well as the deceased inventor:

(2)If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

As such, it is not possible to accept the declaration at this time.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED**, without prejudice.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen Attorney Advisor

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Office of PCT Legal Administration

Tel: (571) 272-3294

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI FL 33180

MAILED

OCT 2 1 2011

PCT LEGAL ADMINISTRATION

In re Application of

MULLER

Application No.: 13/003,827

PCT No.: PCT/DE2009/000976

Int. Filing Date: 10 July 2009

Priority Date: 10 July 2008

Atty. Docket No.: 7100-X11-033

For: AIRBAG MODULE AND SEAT RELATED

THERETO, AND ALSO MANUFACTURING APPARATUS AND ASSEMBLY METHOD

THEREFOR

DECISION ON PETITION

UNDER 37 CFR 1.42

In a decision mailed by this Office on 25 July 2011, the request under 37 CFR 1.42 filed by applicant on behalf of deceased inventor Helmut Muller was dismissed as the field declaration did not provide the citizenship of the legal representative, Mrs. Ursula Muller.

On 23 September 2011, applicant filed a response, including a newly executed declaration, to the previous decision. The declaration submitted on 23 September 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Ursula Muller as the legal representative, states her relationship to the deceased (i.e., legal representative), provides her country of citizenship, mailing address and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The renewed request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 10 July 2009 under 35 U.S.C. 363 and will be given a date of 23 September 2011 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Derek A. Putonen Attorney Advisor

Office of PCT Legal Administration

Tel: (571) 272-3294



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/003,844	01/12/2011	Shoji Yachida	J-11-0009	2234	
71799 Mr. Jackson Ch	7590 10/18/2011		EXAM	INER	
6535 N. STATE HWY 161			KOENIG, A	KOENIG, ANDREW Y	
IRVING, TX 7	0039	0039	ART UNIT	PAPER NUMBER	
			2423		
		,	NOTIFICATION DATE	DELIVERY MODE	
			10/18/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com KENSAKU.SATO@NECAM.COM



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING TX 75039

In re Application of: YACHIDA Application No. 13/003,844 Filed: January 12, 2011

For: IMAGE QUALITY ESTIMATION APPARATUS AND IMAGE QUALITY

ESTIMATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 16, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in The JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Application SN 13/003,844 Decision on Petition

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

APR 08 2011

PCT LEGAL ADMINISTRATION

BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS TX 75201-2980

In re Application of NICKOLOV et al.

Application No.: 13/003,863 PCT No.: PCT/US09/46503 Int. Filing Date: 05 June 2009 Priority Date: 05 June 2008

Attorney Docket No.: 063170.9699

For: AUTOMATED FILER TECHNIQUE FOR USE IN VIRTUALIZED APPLIANCES AND APPLICATIONS

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 January 2011 in the above-captioned application is hereby **GRANTED**

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of \$1620 has been paid and the basic national fee of \$330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The Notification of Acceptance mailed on 16 March 2011 remains in effect. The application will be forwarded to Art Unit 2157 for examination in due course.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: 571-272-3286

Doc Code: PPH.PCT.652

Is attached.

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10) Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO 13/003,984 Filing date: January 13, 2011 Application No: Owen Roger LOZMAN First Named Inventor: Process for Preparing a Dispersion of a Particulate Solid Invention: THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application. The corresponding PCT PCT/GB2009/050728 application number(s) is/are: The international filing date of the corresponding PCT application(s) is/are: June 25, 2009 I. List of Required Documents: a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s) Is attached Is not attached because the document is already in the U.S. application. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

Is <u>not</u> attached because the document is already in the U.S. application.

English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Registration Number 46,882

Approved for use through 01/31/2012. OMB 0651-0058 U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO					
(continued)					
Application No.:	pplication No.: 13/003,984				
First Named Inventor: (Owen Roger LOZM	AN			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application. Is attached Has already been filed in the above-identified U.S. application on (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications) Are attached. Have already been filed in the above-identified U.S. application on January 13, 2011 January 13, 2011					
II. Claims Corres	oondence Table:				
Claims in US Applica	Patentable C in the corresp PCT Applicat	onding E	Explanation regarding the correspondence		
1	1				
2	2				
3	3		Changed "any one of the preceding claims" to "claim 1"		
4	4		Changed "any one of the preceding claims" to "claim 1"		
5	5		Changed "any one of the preceding claims" to "claim 1"		
6	6		Changed "any one of the preceding claims" to "claim 1"		
7	7		Changed "any one of the preceding claims" to "claim 1"		
8	8		Changed "any one of the preceding claims" to "claim 1"		
9	9		Changed "any one of the preceding claims" to "claim 1"		
10	10	1	Changed "any one of the preceding claims" to "claim 1"		
11	11		Changed "any one of the preceding claims" to "claim 1"		
12	12		Changed "any one of the preceding claims" to "claim 1"		
13	13		Changed "any one of the preceding claims" to "claim 1"		
14	14		Deleted "obtainable"		
15	15				
16	16		Changed "as defined to claim 15" to "according to claim 15"		
17	17				
18	18		Changed "use claim" to "method claim"		
	III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.				
Girantina / Grego	Signature / Gregory T. Lowen/				

 $\underset{(Print/Typed)}{^{Name}}Gregory\ T.\ Lowen$



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/003,984	01/13/2011	Owen Roger Lozman	066079-5217	3564
	7590 06/22/2011 WIS & BOCKIUS LLP (W	/A)	EXAM	INER
1111 PENNSY WASHINGTO	LVANIA AVENUE NW N, DC 20004		ART UNIT	PAPER NUMBER
			1715	
			MAIL DATE	DELIVERY MODE
			06/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUN 22 2011

WG

In re application of Owen Lozman et al. Serial No. 13/003,984 DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY

Filed: January 13, 2011

PROGRAM AND

PROCESS FOR PREPARING A

PETITION TO MAKE SPECIAL

DISPERSION OF A PARTICULATE

UNDER 37 CFR 1.102(a)

SOLID

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed May 24, 2011, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 13/003,984

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Walter D. Griffin/

Walter D. Griffin Supervisory Patent Examiner Technology Center 1700 **Doc Code: PET.GREEN**

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPEC	IAL UNDER THE GREE	EN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 11567M	Application Number (if known):	Filing date: January 11, 2011		
First Named Inventor: Charles Winston Saunders				
Title: Scattered Branched-Chain Fatty Acid	s And Biological Production There	of		
APPLICANT HEREBY REQUESTS THE ABOVE-IDENTIFIED APPLICA		GREEN TECHNOLOGY PILOT PROGRAM FOR on page 2.		
This petition must be timely filed electrical. By filing this petition:	ectronically using the USPTO	electronic filing system, EFS-Web.		
Applicant is requesting early 37 CFR 1.219 and the publication	/ publication: Applicant he ation fee set forth in 37 CFR	reby requests early publication under 1.18(d) accompanies this request.		
elect an invention that meets the	e eligibility requirements for th	on without traverse in a telephonic interview and ne Green Technology Pilot Program, if the Office gle invention. See Instruction Sheet.		
3. This request is accompanied by	y statements of special status	for the eligibility requirement.		
4. The application contains no me	ore than three (3) independen	nt claims and twenty (20) total claims.		
5. The application does not contain	any multiple dependent claims.			
6. Other attachments:				
/Kelly L. McDow/		Date January 11, 2011		
Name (Print/Typed) Kelly L. McDow Registration Number 43,787				
		t or their representative(s) are required in accordance with 3: necessary, submit multiple forms for more than one signature		
*Total of forms are submitte	ed.			

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box** 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for

Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111

 (a), or an international application that has entered the national stage in compliance with 35 U.S.C.
 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

A DRI ICA TIONI NO	EU DIC DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORICET BOCKET NO.	201111111111111111111111111111111111111
13/004,077	01/11/2011	Charles Winston Saunders	11567M	9795
	7590 05/04/2011 R & GAMBLE COMPAN	Y	EXAM	INER
Global Legal L Sycamore Buil	Department - IP ding - 4th Floor		ART UNIT	PAPER NUMBER
299 East Sixth CINCINNATI,			1621	
		•	MAIL DATE	DELIVERY MODE
			05/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAY 0 4 2011

THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI OH 45202

In re Application of

SAUNDERS, Charles et al. : DECISION ON PETITION
Application No. 13/004077 : TO MAKE SPECIAL UNDER
Filed: January 11, 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. 11567M : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 3.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

As stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1621 for action in its regular turn.

/Manjunath Rao/

Manjunath Rao Supervisory Patent Examiner Technology Center 1600 **Doc Code: PET.GREEN**

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10) Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM Application Number 13/004085 Attorney Docket 1548-2U Filing date: 01/11/2011 Number: (if known): First Named Kuang-Hsi Wu Title: PROTECTIVE COVER FOR BUILDINGS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

> Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- 3. This request is accompanied by statements of special status for the eligibility requirement.
- 4. The application contains no more than three (3) independent claims and twenty (20) total claims.
- 5. The application does not contain any multiple dependent claims.
- Other attachments: Statements of Special Status to Make Special Under Green Tech. Pilot Program 6.

Signature /John Christopher/	Date April 27, 2011
Name John Christopher (Print/Typed)	Registration Number ³⁷⁵⁹⁶
Note: Signatures of all the inventors or assignees of record of the entire interest or their representations of the signature. If necessary, subsee below*.	, ,
*Total of forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Instruction Sheet for

Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111

 (a), or an international application that has entered the national stage in compliance with 35 U.S.C.
 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,085	01/11/2011	Kuang-Hsi WU	1548-2U	9823
	7590 05/16/2011 CR & WEISBERG, P.A.		EXAM	INER
200 EAST LAS SUITE 2040	S OLAS BOULEVARD		ART UNIT	PAPER NUMBER
FORT LAUDE	RDALE, FL 33301		3633	
			MAIL DATE	DELIVERY MODE
			05/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



MAY 1 6 2011

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE FL 33301

In re Application of

KUANG-HIS WU Application No. 13/004,085 Filed: January 11, 2011

Attorney Docket No. 1548-2U

DECISION ON PETITION

TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY

PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on April 27, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition is granted based on the recitation of a solar energy collectors/photovoltaic panels in claims 4, 11 and 20.

The instant petition complies with items 1 - 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai Quality Assurance Specialist Technology Center 3600

Doc Code: PET.AUTO Document Description: Petition autom	natically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce		
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION TO WITHDRAW AN APPLICA	ATION FROM ISSUE AFTER PAYMENT OF		
Application Number	13004234			
Filing Date	11-Jan-2011			
First Named Inventor	Shinya SASAGAWA			
Art Unit	2891			
Examiner Name	JULIA SLUTSKER			
Attorney Docket Number	0756-9109			
Title	ETCHING METHOD AND MANUFACTURING	G METHOD OF SEMICONDUCTOR DEVICE		
withdraw an application from issue, a showing of good and sufficient reaso	om issue for further action upon petition by to applicant must file a petition under this sections why withdrawal of the application from in	ion including the fee set forth in § 1.17(h) and a ssue is necessary.		
are unpatentable, an amendment to claims to be patentable; (b) Consideration of a request for con	aims, which must be accompanied by an une such claim or claims, and an explanation as atinued examination in compliance with § 1.	equivocal statement that one or more claims to how the amendment causes such claim or 114 (for a utility or plant application only); or in favor of a continuing application, but not a		
Petition Fee				
Applicant claims SMALL EN	TITY status. See 37 CFR 1.27.			
Applicant is no longer claim	ing SMALL ENTITY status. See 37 CFR 1.27(g))(2).		
Applicant(s) status remains a	s SMALL ENTITY.			
Applicant(s) status remains as	s other than SMALL ENTITY			
Reason for withdrawal from issue				

One or more claims are unpate	ntable					
Consideration of a request for c	ontinued examination (RCE) (List of Required Documents and Fees)					
Applicant hereby expressly aba have power of attorney pursuar	ndons the instant application (any attorney/agent signing for this reason must nt to 37 CFR 1.32(b)).					
RCE request, submission, and fee.	CE request, submission, and fee.					
I certify, in accordance with 3 The RCE request ,submission,	37 CFR 1.4(d)(4) that: , and fee have already been filed in the above-identified application on					
Are attached.						
THIS PORTION MUST BE COMPLETE	ED BY THE SIGNATORY OR SIGNATORIES					
I certify, in accordance with 37 CFR	1.4(d)(4) that I am:					
 An attorney or agent registered in this application. 	to practice before the Patent and Trademark Office who has been given power of attorney					
An attorney or agent registered	to practice before the Patent and Trademark Office, acting in a representative capacity.					
A sole inventor						
A joint inventor; I certify that I ar	m authorized to sign this submission on behalf of all of the inventors					
A joint inventor; all of whom are signing this e-petition						
The assignee of record of the en	tire interest that has properly made itself of record pursuant to 37 CFR 3.71					
Signature	/Eric J. Robinson/					
Name	Eric J. Robinson					
Registration Number	38285					



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Decision Date: October 31,2011

In re Application of :

Shinya SASAGAWA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 13004234 Filed : 11-Jan-2011

Attorney Docket No: 0756-9109

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 31,2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2891 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,266	01/11/2011	Eiri SUZUKI	27164	1208
	7590 07/11/201 TT MURPHY & PRES		EXAM	INER
SUITE 300	CITY PLAZA		ART UNIT	PAPER NUMBER
GARDEN CIT	Y, NY 11530	,	3739	
		•		
			MAIL DATE .	DELIVERY MODE
			07/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY NY 11530

In re Application of: SUZUKI, EIRI

Serial No.: 13/004266 Filed: January 11, 2011 Attorney Docket No.: 27164

Title:

ENDOSCOPE CLEANING

INSTRUMENT AND ENDOSCOPE

CLEANING APPARATUS

DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER

CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 24, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

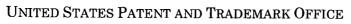
Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen Special Programs Examiner Technology Center 3700

Tel: 571-272-4856





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

KING & SPALDING LLP 1100 LOUISIANA ST SUITE 4000 ATTN.: IP DOCKETING HOUSTON TX 77002-5213

MAILED

MAR 162012

OFFICE OF PETITIONS

In re Application of

Peter Kirkup

Application No. 13/004,341

Filed: January 11, 2011

Attorney Docket Number: 13682.118006

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.84(a)(2), filed January 11, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO** (2) **MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not necessary for an understanding of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

Commissioner for Patents

PO Box 1450

Alexandria VA 22313-1450

By FAX:

571-273-8300

Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2821 for docketing and examination in due course.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees

Petitions Examiner Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

In re Application of Jack D. Burton

Application No. 13004349

Filed: January 11,2011

Attorney Docket No. CMMI218US1

:

:DECISION ON PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code: PET.OP.AGE

Description: Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PET	ITION TO MAI	KE SPECIAL BASED ON UNDER 37 CF			NT OF EXA	MINATION	
Application Information							
Application Number							
Attorney Docket Number (optional)	CMMI218US1	Art Unit	1618		Examiner	tba	
First Named Inventor	Jack D. Burton		•				
Title of Invention	Enhanced Cyt	otoxicity of Anti-CD74 and Ar	iti-HLA-DF	R Antibodies with Ir	nterferon-Gam	ıma	
UNDER 37 CFR 1.1 A grantable petition (1) Statement by on (2) Certification by a showing one named	02(c)(1) and Marequires one commed inverse registered attended inventor in the	S TO MAKE SPECIAL FOR MPEP 708.02 (IV) ON THE of the following items: stor in the application that he application is 65 years of	BASIS Cone/she is	OF THE APPLICA 65 years of age, as a birth certifica	ANT'S AGE. or more; or		
Name of Inventor v	-	iddle Name	Family	Name	Su	ffix	
David	M		Golden				
A signature of the a	oplicant or rep	resentative is required in a format of the signature.			.33 and 10.1	8.	
(1) I am an invento	r in this applicat	ion and I am 65 years of age,	or more.				
		ered to practice before the Pa e application file record, show					
Signature	/R	tichard A. Nakashima/		Date (YYYY-MM-DD	201	1-06-03	
Name	Ric	hard A. Nakashima		Registration Number	4202	23	

Doc code: PET.OP.AGE

Description: Petition to make special based on Age/Health

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

			ECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 246504 Application Number 13/004420 Filing date: 2011-01-11					
First Named Inventor: Brent Junge					
Title: REFRIGERATOR APPLIANCE WITH FRE	EZER COMPARTME	ENT POSITION-ADJUST	ABLE PARTITIONS		
APPLICANT HEREBY REQUESTS THE ABOVE-IDENTIFIED APPLICA		-	EN TECHNOLOGY PILOT PROGRAM FOR age 2.		
This petition must be timely filed ele 1. By filing this petition:	ctronically using	g the USPTO electi	ronic filing system, EFS-Web.		
			requests early publication under (d) accompanies this request.		
elect an invention that meets the	2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.				
3. This request is accompanied by	statements of s	special status for th	ne eligibility requirement.		
4. The application contains no mo	ore than three (3	s) independent clair	ms and twenty (20) total claims.		
5. The application does not contain	any multiple depe	endent claims.			
6. Other attachments: Statement Concerning the Basis for the Special Status					
/Allison W. Mages/			Date 2011-11-10		
Name (Print/Typed) Allison W.Mages Registration Number 57,275					
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 32 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.					
*Total of forms are submitte	d.				

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box** 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for

Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111

 (a), or an international application that has entered the national stage in compliance with 35 U.S.C.
 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Brent Junge)
Confirmation No.: 1483)
Serial No.: 13/004420)
Filing Date: 2011-01-11))
Atty Docket No.: 246504-1 (US))

VIA EFS Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Statement Concerning the Basis for the Special Status

SIR:

The present application relates to refrigerator appliances, and more particularly to increasing energy efficiency in such refrigerator appliances. (See [0001])

It is known that new government regulations, as well as consumer demand, have been significant catalysts behind the development of low energy use appliances. It is generally realized that low energy use appliances can be developed by improving upon existing appliances that suffer from specific forms of energy inefficiencies. (See [0002])

Take, for example, a typical refrigerator appliance wherein a fan circulates air from the enclosed compartment being cooled (e.g., freezer compartment) across coils or tubes of an evaporator. The evaporator carries a cold refrigerant liquid and vapor mixture. The warm air from the enclosed compartment passing over the coils/tubes evaporates the liquid part of the cold refrigerant mixture. At

the same time, the circulating air is cooled and thus lowers the temperature of the enclosed compartment to a desired temperature. (See [0003])

However, it is realized that when the cooled air contacts the side walls and door gaskets of the enclosed compartment, this increases heat leakage and energy usage. Such increased heat leakage and energy usage lowers the overall energy efficiency of the refrigerator appliance. (See [0004])

One aspect of the present invention relates to a refrigerator appliance comprising a freezer compartment and at least one position-adjustable partition located in the freezer compartment. The at least one position-adjustable partition is configured to be selectively deployed in a first position such that a space is defined in the freezer compartment that causes a reduction in an amount of inlet airflow that contacts one or more portions of the freezer compartment that are outside the defined space. (See [0006])

The refrigerator appliance may further comprise another positionadjustable partition wherein the one position-adjustable partition and the other partition-adjustable partition form a pair of partitions. When both partitions are selectively deployed in the first position, the pair of partitions defines the space. (See [0008])

Still further, the one position-adjustable partition and the other partition-adjustable partition may be further configured to be selectively deployed in a second position such that the amount of inlet airflow contacting the one or more portions of the freezer compartment outside the defined space is not substantially reduced. (See [0009])

Another aspect of the present invention relates to an apparatus comprising at least one position-adjustable partition for use in a freezer compartment of a refrigerator appliance, wherein the at least one position-adjustable partition is configured to be selectively deployed in a first position in the freezer compartment such that a space is defined in the freezer compartment that causes a reduction in an amount of inlet airflow that contacts one or more portions of the freezer compartment that are outside the defined space. (See [0010])

[Advantageously, illustrative apparatus and methods of the present invention provide for one or more partitions designed to force the cold air from the evaporator to cool the frozen food that is placed on the freezer shelves while lowering the velocity and raising the temperature of the air that reaches the side walls and portions of the door gasket. Cold air that flows over the center of the freezer compartment (as defined by the partitions) decreases the energy usage of the refrigerator by allowing for lower heat leakage while maintaining desired compartment temperatures. (See [0011])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By:

/Allison W. Mages/ Allison W. Mages Reg. No. 57,275

Dated: November 10, 2011

GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484 203-944-6730



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

Γ	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	13/004,420	01/11/2011	Brent Alden JUNGE	246504-1	1483
	52082 General Electri GE Global Pate			EXAM	INER
	2 Corporate Dr	rive, Suite 648		ART UNIT	PAPER NUMBER
	Shelton, CT 06	5484		3744	
				NOTIFICATION DATE	DELIVERY MODE
				12/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com allyson.carnaroli@ge.com



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton CT 06484

In re Application of

JJUNGE, BRENT ALDEN et al : DECISION ON PETITION Application No. 13/004,420 : TO MAKE SPECIAL UNDER

Filed: Jan.11, 2011 : THE GREEN TECHNOLOGY Attorney Docket No. 246504/1 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Nov. 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed adjustable partitioned freeze compartment will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. e application will be forwarded to the Technology Center Art Unit 3752 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen Quality Assurance Specialist Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Brent Alden JUNGE)
Confirmation No.: 1483)
Serial No.: 13/004,420)
Filing Date: 01-11-2011))
Attv Docket No.: 246504-1	,)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 12 December 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to

Make Special on the basis that the present invention materially contributes to the
more efficient utilization and conservation of energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that it is not agreed that the application on its face meets the materiality standard. The Decision alleges that Applicant's statement that the claimed invention relates to green technologies is not convincing. The Decision states that it is not clear how the claimed adjustable partitioned freeze compartment will provide and enhance the quality of the environment or contribute to the development of renewable energy resources or energy conservation or greenhouse gas reduction. Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that embodiments of the present invention relate to refrigerator appliances, and more particularly to increasing energy efficiency in such refrigerator appliances. (see at least paragraph [0001]).

It is known that new government regulations, as well as consumer demand, have been significant catalysts behind the development of low energy use appliances. It is generally realized that low energy use appliances can be developed by improving upon existing appliances that suffer from specific forms of energy inefficiencies. Take, for example, a typical refrigerator appliance wherein a fan circulates air from the enclosed compartment being cooled (e.g., freezer compartment) across coils or tubes of an evaporator. The evaporator carries a cold refrigerant liquid and vapor mixture. The warm air from the enclosed compartment passing over the coils/tubes evaporates the liquid part of the cold refrigerant mixture. At the same time, the circulating air is cooled and thus lowers the temperature of the enclosed compartment to a desired temperature. However, it is realized that when the cooled air contacts the side walls and door gaskets of the enclosed compartment, this increases heat leakage and energy usage. Such increased heat leakage and energy usage lowers the overall energy efficiency of the refrigerator appliance. (see at least paragraphs [0002-][0004]).

Embodiments of the present invention provide an improved refrigeration system which uses one or more position-adjustable partitions that provide for cold air from the evaporator to be captured and held in the space defined by the partitions where most of the food load is preferably placed. These partitions can

be used as a convenient place to store food for quick freezing. In one

embodiment, the air is allowed to escape through a lower shelf to then return to

the evaporator. Advantageously, these partitions funnel the coldest air to the

center of the compartment where the food load is preferably stored and provides

for warmer and lower velocity air in the high heat leakage regions of the gasket

and side walls. (see at least paragraph [0026]).

Embodiments of the present invention reduce the loss of heat in areas

commonly associated with heat leakage, which in turn reduces energy usage and

increases the overall energy efficiency of a refrigerator appliance. As such, the

present invention promotes the more efficient utilization of and conservation of

energy.

The undersigned attorney may be contacted at the number below to

facilitate the resolution of any matters. Please charge any fees that are incurred

in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By:

/Allison W Mages/ Allison Weiner Mages

Reg. No. 57,275

Dated: January 11, 2012

GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484

203-944-6730

3



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,420	01/11/2011	Brent Alden JUNGE	246504-1	1483
52082 General Electr			EXAM	INER
	tent Operation prive, Suite 648		ART UNIT	PAPER NUMBER
Shelton, CT 0			3744	
	·			
			NOTIFICATION DATE	DELIVERY MODE
			01/31/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com allyson.camaroli@ge.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton CT 06484

JAN 3 1 2012

In re Application of

Junge et al.

Application No. 13/004,420

Filed: 1/11/2011

Attorney Docket No. 246504-1

DECISION ON PETITION

TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY

PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/11/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn Quality Assurance Specialist Technology Center 1700





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAILED

MAR 262012

OFFICE OF PETITIONS

GOOGLE Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield NJ 07090

In re Application of

Andrew de los Reyes

Application No.: 13/004,426

Filed: January 11, 2011

Atty. Docket No.: GOOGLE 3.0-155

For: Operating System Auto-Update

Procedure

: DECISION ON REQUEST TO : PARTICIPATE IN THE PATENT : PROSECUTION HIGHWAY

: PROGRAM AND PETITION : TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 17, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- 1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci

Petitions Examiner Office of Petitions

Doc Code: PET.GREEN

see below*

*Total of ¹

forms are submitted.

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10) Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM						
Attorney Docket Number: 04030.0014-US-C1	Application Number (if known):	Filing date: 11 January 2011				
First Named Inventor: Theodora Retsina						
Title: Separation of Lignin From Hydrolyzat	te					
APPLICANT HEREBY REQUESTS THE ABOVE-IDENTIFIED APPLICA		EN TECHNOLOGY PILOT PROGRAM FOR age 2.				
This petition must be timely filed electrical 1. By filing this petition:	ectronically using the USPTO elect	ronic filing system, EFS-Web.				
	y publication: Applicant hereby ation fee set forth in 37 CFR 1.18	requests early publication under (d) accompanies this request.				
elect an invention that meets the		hout traverse in a telephonic interview and een Technology Pilot Program, if the Office vention. See Instruction Sheet.				
3. This request is accompanied by	y statements of special status for th	ne eligibility requirement.				
4. The application contains no mo	ore than three (3) independent clair	ms and twenty (20) total claims.				
5. The application does not contain	any multiple dependent claims.					
6. Other attachments: Preliminary Amendment						
Signature / O C		Date 11 January 2011				
Name Ryan P. O'Connor (Print/Typed)		Registration Number 56,693				
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 3 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature						

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450. Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,431	01/11/2011	THEODORA RETSINA	04030.0014-US-C1	1498 MINER
22865 Altera Law G1		·	EXAMI	
220 S 6 St Sui Minneapolis, I			ART UNIT	PAPER NUMBER
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	•	,	MAIL DATE	DELIVERY MODE
		٠.	05/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAY 0 4 2011

Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis MN 55402

In re Application of

RETSINA, Theodora *et al.*Application No. 13/004431

Filed: January 11, 2011

EDECISION ON PETITION

TO MAKE SPECIAL UNDER

THE GREEN TECHNOLOGY

Attorney Docket No. 04030.0014-US-C1 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1632 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao Supervisory Patent Examiner & POC for TC 1600 Green Tech Petitions Technology Center 1600

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,500	01/11/2011	Dong Wook Park	3449-1105PUS2	1634
	7590 02/25/201 ART KOLASCH & BI	-	EXAM	INER
PO BOX 747 FALLS CHUR	RCH, VA 22040-0747		AŘT UNIT	PAPER NUMBER
·		1	2893	
		•	NOTIFICATION DATE	DELIVERY MODE
		•	02/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH VA 22040-0747

In re Application of

PARK et al.

Application No.: 13/004,500

Filed: 11 January 2011

Attorney Docket No.: 3449-1105PUS2 For: LIGHT EMITTING APPARATUS

AND DISPLAY APPARATUS HAVING

THE SAME

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

OI

- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
- ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Yours

TQAS

Lu uc

Technology Center 2800

Doc Code: PET.GREEN

1450, Alexandria, VA 22313-1450.

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPE	ECIAL UNDER THE GR	EEN TECHNOLOGY PILOT PROGRAM				
Attorney Docket Number: 04030.0015-US-C1 Application Number (if known): Filing date: 11 January 2011						
First Named Inventor: Theodora Retsina						
Title: Method For Vapor Phase Pulping	With Alcohol and Sulfur Dioxide					
APPLICANT HEREBY REQUES THE ABOVE-IDENTIFIED APPL		HE GREEN TECHNOLOGY PILOT PROGRAM FOR eet on page 2.				
This petition must be timely filed 1. By filing this petition:	electronically using the USP	TO electronic filing system, EFS-Web.				
Applicant is requesting ea 37 CFR 1.219 and the publ	arly publication: Applicant ication fee set forth in 37 C	hereby requests early publication under FR 1.18(d) accompanies this request.				
elect an invention that meets	2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.					
3. This request is accompanied	by statements of special sta	itus for the eligibility requirement.				
4. The application contains no	4. The application contains no more than three (3) independent claims and twenty (20) total claims.					
5. The application does not contain any multiple dependent claims.						
6. Other attachments: Preliminary Amendment						
Signature 7/2 P. C) 'C	Date 11 January 2011				
Name Ryan P. O'Connor (Print/Typed) Registration Number 56,693						

see below*. *Total of forms are submitted. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 33 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,521	01/11/2011	Theodora Retsina	04030.0015-US-C1	1671
22865 Altera Law Gr			EXAM	INER
220 S 6 St Suit Minneapolis, N			ART UNIT	PAPER NUMBER
-			1741	
			MAIL DATE	DELIVERY MODE
			02/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis MN 55402

In re Application of

Theodora Retsina et al. Application No. 13/004,521 Filed: January 11, 2011

Attorney Docket No. 04030.0015-US-C1

DECISION ON PETITION

TO MAKE SPECIAL UNDER

THE GREEN TECHNOLOGY

PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 - 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver Quality Assurance Specialist Technology Center 1700 Doc Code: PET.GREEN

(Print/Typed)

see below*.

*Total of

forms are submitted.

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10) Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Registration Number 47,048

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

		IAL UNDER THE GREEN T	ECHNOLOGY PILOT PROGRAM					
Attorney Docket Number: 83173568 Application Number 13/004,524 Filing date: January 11, 2011								
First Na Inventor	First Named Inventor: Stephen George Russ							
Title: M	ETHOD FOR CONTROLLING AN ENG	SINE						
THE A	BOVE-IDENTIFIED APPLICA	ATION. See Instruction Sheet on pa						
1 4	etition must be timely filed ele ly filing this petition:	ctronically using the USPTO electr	ronic filing system, EFS-Web.					
A/3	pplicant is requesting early 7 CFR 1.219 and the publica	publication: Applicant hereby tion fee set forth in 37 CFR 1.18(requests early publication under d) accompanies this request.					
ele	2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.							
3. Ti	3. This request is accompanied by statements of special status for the eligibility requirement.							
4. T	4. The application contains no more than three (3) independent claims and twenty (20) total claims.							
5. _T	5. The application does not contain any multiple dependent claims.							
6. O	ther attachments:							
Signature	/John D. Russell/		Date April 20, 2011					
Name John D. Russell								

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1460, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 3. CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

: Stephen George Russ et al.

Application No.

: 13/004,524

Filed

: January 11, 2011

Title

: METHOD FOR CONTROLLING AN ENGINE

Group Art Unit

: 3747

Confirmation No.

: 1681

Docket No.

: 83173568

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

April 20, 2011	
Date	

/Angie C. Farr/

Date:

Angie C. Farr

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (e.g., more efficiently utilizing and conserving fossil fuels).

Page 1 of 3

Application No. 13/004,524 Application Filing Date: January 11, 2011 Docket No. 83173568

Specifically, the claimed invention reduces the likelihood pre-ignition events will occur in boosted engines, and thus more efficiently utilizes fossil fuels by properly combusting them to extract as much useful energy as possible.

As explained in the Background and Summary of the subject application, boosted engines offer the performance of larger displacement engines with lower engine pumping work, thus improving fuel economy. However, at certain engine operating conditions, boosted engines may be prone to pre-ignition events that can damage the engine. The possibility of pre-ignition can be reduced or limited via introducing cooled exhaust gas residuals by way of an exhaust gas recirculation (EGR) system to the cylinder. Introducing cooled exhaust gas into a cylinder can slow chemical kinetics, thereby lowering the possibility of pre-ignition. In addition, cooled EGR disperses oxygen within the cylinder and reduces the rate of heat release of a combusted air-fuel mixture so that the possibility of igniting end gases is reduced. But, cooled EGR may not always be available to reduce the possibility of pre-ignition. For example, a sufficient amount of cooled EGR may not be available to limit the possibility of pre-ignition during transient conditions because it may be difficult to adjust the EGR amount to the transient conditions. Further, shortly after an engine start, EGR may not be available in the EGR system because oxygen may have entered the exhaust system during an engine stop. Accordingly, EGR may be used to help control pre-ignition under some conditions, but it may not be capable of limiting the possibility of pre-ignition during all engine operating conditions. The claimed invention addresses these issues by providing a method for adjusting an engine torque limit in conditions where EGR levels are not sufficient to control pre-ignition. For example, claim 1 recites:

A method for controlling an engine, comprising: adjusting an engine torque limit in response to an amount of EGR in a cylinder of the engine.

In this way, the possibility of pre-ignition can be reduced by lowering the engine torque limit of the engine as the amount of EGR in the engine cylinders is reduced. For example, the engine torque limit can be reduced so that cylinder pressures in the engine have less possibility of reaching levels that facilitate pre-ignition when a position of a throttle is quickly adjusted. If the EGR percentage of charge entering engine cylinders

Page 2 of 3

Application No. 13/004,524 Application Filing Date: January 11, 2011 Docket No. 83173568 cannot be adjusted at a rate that reduces the possibility of pre-ignition, the engine torque limit can be reduced so that cylinder pressures have less possibility of reaching pressures where pre-ignition is likely. Further, if EGR is requested and some air enters the engine intake system through the EGR system rather than EGR, the engine torque limit can be reduced until the air is purged from the EGR system and a full fraction of EGR is present in the cylinder charge. Once the air is purged from the EGR system, the engine torque limit can be increased as the percentage of EGR entering the engine cylinders increases.

By adjusting an engine torque limit in response to an EGR amount in a cylinder, pre-ignition events can be avoided during certain engine operating conditions, increasing the conditions under which engines can be operated with boost, thus improving fuel economy.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO₂ is a greenhouse gas produced from the combustion of fossil fuels. As explained above and set forth in claim 1, the claimed invention improves fuel economy by reducing pre-ignition events, thus reducing the amount of fossil fuels combusted and lowering CO₂ emissions.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

/John D. Russell/
John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141

Facsimile: (503) 459-4142



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,524	01/11/2011	Stephen George Russ	83173568	1681
	7590 05/04/201 ALL MCCOY RUSSEI ADWAY, SUITE 600		EXAM	INER
PORTLAND,			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			05/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND OR 97205

In re Application of

RUSS, STEPHEN GEORGE et al : DECISION ON PETITION
Application No. 13/004,524 : TO MAKE SPECIAL UNDER

Filed: Jan. 11, 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. 83173568 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 24, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen Quality Assurance Specialist Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE '
SUITE 3100
CHICAGO IL 60601-1732

MAILED
APR On 2012

In re Application of:

De Clerq et al.

Application No. 13/004529

Filing or 371(c) Date: 01/11/2011

Title of Invention:

SYSTEM AND METHOD FOR CONTROLLING:

DEVICE LOCATION DETERMINATION

OFFICE OF PETITIONS

DECISION GRANTING

PETITION UNDER 37 CFR 1.47(a)

This is in response to petition under 37 CFR § 1.47(a)," filed January 11, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Stephan De Clerq, refuses to join in the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods Attorney Office of Petitions



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

MR. STEPHEN De CLERQ 1 FOURTEENTH STREET APT. 908NC HOBOKEN, NJ 07030

MAILED
APR On 2012
OFFICE OF PETITIONS

In re Application of:
De Clerq et al.
Application No. 13/004529
Filing or 371(c) Date: 01/11/2011
Title of Invention:
SYSTEM AND METHOD FOR CONTROLLING
DEVICE LOCATION DETERMINATION

LETTER

Dear Mr. De Clerq:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods Attorney Office of Petitions

CC: GREENBERG TRAURIG, LLP (CHI)
77 WEST WACKER DRIVE
SUITE 3100
CHICAGO IL 60601-1732





COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANORIA, VA 22313-1450

Pillsbury Winthrop Shaw Pittman LLP P.O. Box 10500 McLean VA 22102

In re Application of

Shah, et al.

Application No.: 13/004,646

Filed: January 11, 2011

Docket No.: 040088-0391746

MAILED

MAR 11 2011

OFFICE OF PETITIONS

This decision is in response to the communication under 37 CFR 1.47, filed February 8, 2011.

: DECISION

The petition is hereby **GRANTED**.

A review of the official application file reveals that the instant application is a division of U.S. App. No. 11/322,977 and that said application was accorded Rule 47 status.

In accordance with 37 CFR 1.63(d)(3), where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by: (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and (ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

A copy of the declaration and decision according Rule 47 status in application No. 11/322,977 appears in the application file of the instant application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby <u>accorded</u> Rule 1.47(a) status.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this continuation application.

This application is being returned to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown Attorney Advisor Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

Bib Data Sheet

CONFIRMATION NO. 1914

SERIAL NUMB 13/004,646		FILING OR 371(c)		CLASS 600	GRO	OUP AR 3735	T UNIT	D	ATTORNEY OCKET NO. 0088-0391746
APPLICANTS RAJIV SHAH, Rancho Palos Verdes, CA; Bahar Reghabi, Marina Del Rey, CA; James L. Henke, Simi Valley, CA; Wayne A. Morgan, Northridge, CA; Gopikrishnan Soundararajan, North Hills, CA; David Y. Choy, San Gabriel, CA; Peter Schultz, Chatsworth, CA; Udo Hoss, Sherman Oaks, CA; *** CONTINUING DATA **********************************									
Foreign Priority claime 35 USC 119 (a-d) con met Verified and Acknowledged	nditions	Allowance	fter	STATE OR COUNTRY CA	DRA	EETS WING 21	TOTA CLAI 43	MS	INDEPENDENT CLAIMS 4
ADDRESS 98523									
TITLE METHOD OF AND SYSTEM FOR STABILIZATION OF SENSORS									
FILING FEE RECEIVED No to charge/credit DEPOSIT ACCOUNT No for following: All Fees					essing Ext. of				
						Ott			



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	D INVENTOR ATTORNEY DOCKET NO. CO.	
13/004,666	01/11/2011	Kyong Jun KIM	3449-1086PUS2	1954
2292 DIDCH STEW	7590 02/25/2011 ART KOLASCH & BIRC	u	EXAM	IINER
PO BOX 747		11	DUNWIDDIE	, MEGHAN K
FALLS CHUR	CH, VA 22040-0747		ART UNIT	PAPER NUMBER
			2875	
•				
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com





Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH VA 22040-0747

In re Application of

Kyong Jun KIM

Application No.: 13/004,666

Filed: 11 January 2011

Attorney Docket No.: 3449-1086PUS2 For: LIGHT EMITTING APPARATUS

AND LIGHT UNIT HAVING THE

SAME

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

or

- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,

or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young'

TOAS

Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

In re Application of Matthew Mayer

Application No. 13004754

Filed: January 11,2011

Attorney Docket No. 55270.0117

:

:DECISION ON PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code: PET.OP.AGE

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number Description: Petition to make special based on Age/Health

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)								
			Application	Inform	ation			
Application Number	13004754		Confirmation Number	1119		Filing Date		2011-01-11
Attorney Docket Number (optional)	55270.0117	7	Art Unit	3772		Examir	ner	Not Assigned Yet
First Named Inventor	IMatthew Maver							
Title of Invention	FOOT COM	MPRESSION	SYSTEM					
An application may lyears of age, or mor	Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.							
(1) Statement by one (2) Certification by a showing one named	registered	attorney/age	ent having evidenc	e such a	as a birth certifica			driver's license, etc.
Name of Inventor v	vho is 65 y	ears of age	, or older					
Given Name		Middle Nar	ne	Family	Name		Suffi	ix
David		M.		Mayer				
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature. Select (1) or (2):								
(1) I am an inventor in this application and I am 65 years of age, or more.								
			actice before the Pate on file record, showin					t I am in possession of s of age, or more.
Signature		/J. Damon A	shcraft/		Date (YYYY-MM-DE	D)	2011-	05-05
Name		J. Damon As	hcraft		Registration Number		51024	ı

Doc code: PET.OP.AGE

Description: Petition to make special based on Age/Health

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Paper No.

ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON DC 20036

MAILED
OCT 2 1 2011

OFFICE OF PETITIONS

In re Application of Abrevaya and Meppelink

Application No. 13/004,788 Filed: January 11, 2011

Attorney Docket No. 031592-

00049

Title: METHOD AND APPARATUS FOR BILLING PURCHASES FROM A MOBILE

PHONE APPLICATION

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed on October 6, 2011, pursuant to 37 C.F.R. \S 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

A Notice to File Missing Parts of Nonprovisional Application (notice) was mailed January 27, 2011, which set a two-month period for response and indicated that an oath or declaration was missing. The notice required a "properly signed oath or declaration in compliance with 37 CFR 1.63" along with the surcharge associated with the late submission of the same.

A response to the notice was received on August 29, 2011, along with a five-month extension of time so as to make timely the submission. August 29, 2011 was the maximum extendable period for submitting a response. The submission of August 29, 2011 was incomplete however, as the declaration which was submitted on that date has been executed only by the second-named joint inventor. On August 30, 2011, subsequent to the expiration of

¹ It is noted that August 27, 2011 fell on a Saturday and August 28, 2011 fell on a Sunday.

the maximum extendable period for response, a declaration which has been executed by the first-named joint inventor was submitted to the Office.

Accordingly, the above-identified application became abandoned by operation of law on August 30, 2011. A notice of abandonment was mailed on September 20, 2011, which indicated that the submission of August 30, 2011 was untimely.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. § 1.134 sets forth, in toto:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, in toto:

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
- (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

The record does not support a finding that the holding of abandonment should be withdrawn. The maximum extendable period for response expired on August 29, 2011 at midnight. The submission of August 29, 2011 was incomplete, and the submission of August 30, 2011 was submitted subsequent to the expiration of the maximum extendable period for response.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and extensions of time under 37 C.F.R. § 1.136(a) are not permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a) and/or (b). Unless Petitioner believes that she can successfully establish that the entire period of delay was unavoidable, she may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700 711 03 c.htm#sect711.03c

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail, hand-delivery, or facsimile. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures should be directed to the Technology Center.

Paul Shanoski Senior Attorney Office of Petitions

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

^{4 (571) 273-8300:} please note this is a central facsimile number.

^{5 &}lt;a href="https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html">https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Paper No.

ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON DC 20036 MAILED
DEC 2 8 2011
OFFICE OF PETITIONS

In re Application of Abrevaya and Meppelink Application No. 13/004,788 Filed: January 11, 2011 Attorney Docket No. 031592-00049

• Title: METHOD AND APPARATUS FOR BILLING PURCHASES FROM A MOBILE PHONE APPLICATION DECISION ON PETITION UNDER 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. \$ 1.137(b), filed December 9, 2011, to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is GRANTED.

A Notice to File Missing Parts of Nonprovisional Application (notice) was mailed January 27, 2011, which set a two-month period for response and indicated that an oath or declaration was missing. The notice required a "properly signed oath or declaration in compliance with 37 CFR 1.63" along with the surcharge associated with the late submission of the same.

A response to the notice was received on August 29, 2011, along with a five-month extension of time so as to make timely the submission. August 29, 2011 was the maximum extendable period for submitting a response. The submission of August 29, 2011 was incomplete however, as the declaration which was submitted on that date has been executed only by the second-named joint inventor. On August 30, 2011, subsequent to the expiration of

 $^{1\ \}mathrm{It}$ is noted that August 27, 2011 fell on a Saturday and August 28, 2011 fell on a Sunday.

the maximum extendable period for response, a declaration which has been executed by the first-named joint inventor was submitted to the Office.

Accordingly, the above-identified application became abandoned by operation of law on August 30, 2011. A notice of abandonment was mailed on September 20, 2011, which indicated that the submission of August 30, 2011 was untimely.

A petition pursuant to 37 C.F.R. § 1.181 was filed on October 6, 2011, and was dismissed via the mailing of a decision on October 21, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.
 § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. The submissions of August 29, 2011 and August 30, 2011 will serve as the required reply. The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

² See Rule 1.137(d).

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.

Paul Shanoski

Senior Attorney

Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,943	01/12/2011	Vladimir Nikolaevich Rubochkin		1540
Vladimir Rubo			EXAM	INER
ul.Derzhavina, Ulyanovsk, 43			ART UNIT	PAPER NUMBER
RUSSIAN FEI	DERATION		2881	
		•	MAIL DATE	DELIVERY MODE
			04/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Vladimir Rubochkin ul.Derzhavina, dom 9, kv 5 Ulyanovsk 43201-2 RU

In re Application of

Vladimir Rubochkin

Application No.: 13/004,943

Filed: 12 January 2011

Attorney Docket No.: N/A

For: METHOD OF PROTECTION OF HUMAN (LIVESTOCK) FROM BITES

OF BLOOD-SUCKING INSECTS

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 12 January 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the RU, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

01

- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the RU, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the RU, or
- ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the RU application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
 - a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the RU application(s), and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability) from each of the RU application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the Rospatent examiner in the RU office actions (unless already filed in this application); and
 - b. Copies of all the documents cited in the RU office actions, except U.S. patents or U.S. patent application publications (unless already filed in this application);

Requirements 1 and 4 above are considered to have been met.

However the request to participate in the PPH program fails to meet require

However the request to participate in the PPH program fails to meet requirements 2, 5, and 6.

Regarding requirement 2, applicant has failed to submit a foreign language copy of the allowed claim(s), a translation of the allowed claims, and a statement that the English translation of the allowed claims is accurate.

Regarding requirement 3, it cannot be determined whether the US claims sufficiently correspond to the allowed RU claims since requirement 2 has not been met.

Regarding requirement 5, applicant has failed to submit a statement that the English translation of the office action is accurate.

Regarding requirement 6, applicant has failed to submit an IDS listing the documents cited by the Rospatent examiner in the RU office action and provided copies thereof.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies.

NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Lee W. Young

TQAS

Technology Center 2800 – Semiconductors Electrical & Optical Systems & Components **Doc Code: PET.GREEN**

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM						
Attorney Docket Number: 00800-0038 Application Number Unknown Filing date: 1/12/11							
First Inver	Named ntor: Ashutosh Tiwari						
Title:	PIN STRUCTURES INCLUDING INTRINS	IC GALLIUM ARSENIDE, DEVICES INCORP	ORATING THE SAME, AND RELATED METHODS				
THE	APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2. This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web. 1. By filing this petition:						
	Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.						
	2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.						
3.	3. This request is accompanied by statements of special status for the eligibility requirement.						
4.	The application contains no more than three (3) independent claims and twenty (20) total claims.						
5.	The application does not contain any multiple dependent claims.						
6.	6. Other attachments:						

/N. Meredith Porembski/	Date January 12, 2011
Name N. Meredith Porembski (Print/Typed)	Registration Number 61,159

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 33 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

×	*Total of	forms are submitted
---	-----------	---------------------

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for

Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111

 (a), or an international application that has entered the national stage in compliance with 35 U.S.C.
 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- 1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/004,975	01/12/2011	Ashutosh Tiwari	00800-0038	1592
96227 Bell & Mannin			EXAM	INER
122 E. Olin Av Suite 290			ART UNIT	PAPER NUMBER
Madison, WI 5	3713		2811	
			MAIL DATE	DELIVERY MODE
			04/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Bell & Manning, LLC 122 E. Olin Avenue Suite 290 Madison WI 53713

In re Application of

TIWARI et al. : DECISION ON PETITION

Application No. 13/004,975 : TO MAKE SPECIAL UNDER Filed: January 12, 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. 00800-0038 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.

Lee W. Youn

Quality Assurance Specialist Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

BEEM PATENT LAW FIRM 53 W. JACKSON BLVD., SUITE 1352 CHICAGO IL 60604-3787

MAILED
FEB 0 1 2011
OFFICE OF PETITIONS

In re Application of

Dennis Dion

Application No. 13/005,044

Filed: January 12, 2011

Attorney Docket No. 0263-0007

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 13, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski Petitions Examiner Office of Petitions Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	PARTICIPATION IN THE PATENT CO Γ-PPH) PILOT PROGRAM BETWEEN OFFICE (KIPO) AND T	THE KOR	
Application No:	13/005,083	Filing date:	1/12/2011
First Named Inventor:	Michael S. Steele		
Title of the Invention: PLIER	S INCLUDING REMOVAE	BLE JA	WS
SUBMITTED VIA EFS-W	ARTICIPATION IN THE PCT-PPH PILOT PROGF IEB. INFORMATION REGARDING EFS-WEB IS OV/EBC/EFS_HELP.HTML		
	REQUESTS PARTICIPATION IN THE PC APPLICATION SPECIAL UNDER THE PC1		
of another PCT application domestic/ foreign prior priority claim in the corto (4) above, or (6) a U	ation which claims priority to the correspondi ity to the corresponding PCT application, or responding PCT application, or (5) a continu	ing PCT appl (4) a nationa uing applicatio	ng PCT application, or (2) a national stage entry ication, or (3) a national application that claims I application which forms the basis for the on of a U.S. application that satisfies one of (1) visional application which forms the basis for
The corresponding Papplication number(s			
The international filine PCT application(s) is	ng date of the corresponding s/are: January 12, 2011		
	Documents: atest international work product (WO/ISA PCT application(s)	, WO/IPEA, o	or IPER) in the above–identified
Is <u>not</u> attache	ed because the document is already in the U	J.S. applicatio	on.
	aims which were indicated as having nov d corresponding PCT application(s).	velty, inventi	ve step and industrial applicability in the
Is <u>not</u> attache	ed because the document is already in the U	J.S. applicatio	on.
	tions of the documents in a. and b. above atement that the English translation is ac		ed (if the documents are not in the English eached for the document in b. above.

Registration Number 52,677

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Re	QUES		ON IN THE PCT-PPH PILO KIPO AND THE USPTO	T PROGRAM
		DEIWEEN IHE	(continued)	
Application No.:	13/00	5,083		
First Named Inventor:	Micha	ael S. Steele		
WO/ISA, W	O/IPE d	A, IPER) of the correspor	nding PCT application.	nternational work products (ISR,
(2) Copies of a	ı II doc ı ned.		patents or U.S. patent applicat	·
Have alrea	ady be	en filed in the above-ident	ified U.S. application on	
II. Claims Corres _i				
Claims in US Applica	ation	Patentable Claims in the corresponding PCT Application	Explanation regarding the cor	respondence
1		4	Claim 1 in the U.S. application is dependent	claim 4 from the PCT application written in independent form.
12		12		
21		2	Claim 21 in the U.S. application is dependent	claim 2 from the PCT application written in independent form.
22		11	Claim 22 in the U.S. application is dependent	claim 11 from the PCT application written in independent form.
III. All the claims corresponding P			ciently correspond to the pa	tentable claims in the
		. ,		
signature /gayle	a. k	oush/		Date January 13, 2012

Name (Print/Typed) Gayle A. Bush

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

- The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- 2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- 3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
- 5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
- 6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
- 9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED MAR 26 2012

MICHAEL, BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE SUITE 3300 MILWAUKEE WI 53202

OFFICE OF PETITIONS

In re Application of:

Steele et al.

Application No. 13/005,083

Filed: January 12, 2011

Attorney Docket No. 066042-8193-03

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 13, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, NPI, Australia, Austria, China, Finland, Russia, Spain, Sweden, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.
- (7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.
- (8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Currently, requirements (1) and (3)-(7) are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (8).

Regarding the requirement of condition (2), the submission reveals that the observations in Box VIII do not meet the requirement of PCT Article 6 in that the matter for which protection is sought is not clearly defined. Accordingly, petitioner must provide an explanation regarding the Box VIII observations.

Regarding the requirement of condition (8), applicant has failed to complete that portion of the form concerning the "Explanation regarding the correspondence" with respect to US Claim 12 and PCT claim 12. Moreover, the correspondence of each of the claims is not discussed.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/dab/ David Bucci Petitions Examiner Office of Petitions **Doc Code: PET.GREEN**

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	PETITION TO MAKE SPE	ECIAL UNDER THE GI	REEN TECHNOLOGY PILOT PROGRAM
Atto Nur	nney Docket nber: 50970.3.P01US02	Application Number (if known):	Filing date: 12 JAN 2011
Firs	t Named entor: Gordon Harper HART		·
Title	ELOW PERMEANCE SEGMENTED IN:	SULATIVE DEVICE AND RELATED	кіт
	PLICANT HEREBY REQUES E ABOVE-IDENTIFIED APPLI		HE GREEN TECHNOLOGY PILOT PROGRAM FO heet on page 2.
Thi 1.	s petition must be timely filed By filing this petition:	electronically using the USI	PTO electronic filing system, EFS-Web.
			t hereby requests early publication under CFR 1.18(d) accompanies this request.
2.	elect an invention that meets	the eligibility requirements f	ection without traverse in a telephonic interview and for the Green Technology Pilot Program, if the Office a single invention. See Instruction Sheet.
3.	This request is accompanied	by statements of special st	atus for the eligibility requirement.
4.	The application contains no	more than three (3) indepe	ndent claims and twenty (20) total claims.
5.	The application does not conta	ain any multiple dependent cla	aims.
6.	Other attachments:		

/Dennis R. Haszko, Reg. No. 39,575/ Signature	Date 12 JAN 2011
Name Dennis R. Haszko (Print/Typed)	Registration Number ^{39,575}

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 3 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

×

*Total offorms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gordon Harper HART et al.

Serial No.: (not yet known) Filed: January 12, 2011

Title: LOW PERMEANCE SEGMENTED INSULATIVE DEVICE AND

RELATED KIT

Group Art Unit: (not yet known)
Examiner: (not yet known)
Docket Ref.: 50970.3.P01US02

January 12, 2011

U.S. Patent and Trademark Office Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT TO ACCOMPANY PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

In accordance with item number 3 on the accompanying PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM, Applicants respectfully submit the subject matter of this application contributes to the conservation of energy.

Special status is sought because the invention materially contributes to the more efficient utilization and conservation of energy resources relating to the reduction of energy consumption in industrial equipment. Applicants respectfully submit that the application disclosure is clear on its face in that the claimed invention materially contributes to such energy conservation by providing institutional, industrial, and commercial users of conduit-based chilled water systems with a cost-effective mechanism for reducing heat-transfer losses that would otherwise require increased energy demands to cool the chilled water.

No fee is believed to be required with this petition. However, the Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 503807.

Respectfully submitted for Applicants,

By: /Dennis R. Haszko, Reg. No. 39,575/ Dennis R. Haszko, Reg. No. 39,575 Patent Law Office of D. R. Haszko 499 Mosher Hill Road Farmington, ME 04938

Tel: (207) 778-4870 Fax: (888) 480-9618



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/005,152	01/12/2011	Gordon Harper HART	50970.3.P01US02	1914
PATENT LAW	7590 02/07/2011 OFFICE OF D.R. HASZ	ко	EXAM	INER
c/o Dennis R. H 499 MOSHER I			ART UNIT	PAPER NUMBER
FARMINGTON	N, ME 04938		1783	
			NOTIFICATION DATE	DELIVERY MODE
			02/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DRH@LETTERSPATENT.COM haszko@gmail.com



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

PATENT LAW OFFICE OF D.R. HASZKO c/o Dennis R. Haszko 499 MOSHER HILL ROAD FARMINGTON ME 04938

2/7/2011

In re Application of

Gordon Harper Hart Application No. 13/005,152 Filed: January 12, 2011

Attorney Docket No. 50970.3.P01US02

DECISION ON PETITION

TO MAKE SPECIAL UNDER

THE GREEN TECHNOLOGY

PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver Quality Assurance Specialist Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Paper No.

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA GA 30357-0037

MAILED

AUG 2 6 2011

OFFICE OF PETITIONS

In re Application of

John Partridge, John Reinhard DECISION REFUSING STATUS UNDER 37 C.F.R. § 1.47

Robert Rodebaugh and Jeff Servesko

Application No. 13/005,173 Filed: January 12, 2011

Attorney Docket No. 0048 1010.1

This is a decision on the "PETITION TO FILE ON BEHALF OF INVENTOR REFUSING TO SIGN (37 C.F.R. 1.47(b)1)" filed August 15, 2011, which is properly treated under the provisions of 37 CFR 1.47(a).

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on January 12, 2011, without an executed oath or declaration but with an application data sheet. Accordingly, on January 27, 2011, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an

A petition under 1.47(b) is only appropriate when no inventor is available to join in the application. Here, inventors Partridge, Reinhard and Rodebaugh are available. Thus, relief is properly sought under the provisions of 37 CFR 1.47(a).

executed oath or declaration and a surcharge for its late filing (and replacement drawings). This Notice set a two-month period for reply with extensions of time obtainable under \$ 1.136(a). In response, applicants filed the instant petition under \$ 1.47 (and fee); a five page declaration; and the surcharge under \$ 1.16(l). This response is made timely by an accompanying petition for extension of time for response within the fifth month. The declaration includes the signatures of all of the inventors except inventor Servesko. Applicants assert that status under \$ 1.47(a) is proper because inventor Servesko refuses to join in the application.

Preliminarily, it is noted that it does not appear that replacement drawings were filed in response to the NOTICE. To avoid abandonment of the application, such drawings need to be filed prior to the end of the maximum period of time for response, which has been extended to Monday, August 29, 2011.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Requirements (1), (3) and (4) have been satisfied. By statement of facts of practitioner Mark Jenkins, with supporting documentary evidence, applicants have provided adequate proof of inventor Servesko's refusal, by conduct, to join in the application after having been presented with the application papers. The evidence, including multiple FedEx tracking receipts and USPS domestic return receipt signed by "SSeresko", shows that the inventor was presented with all of the application papers by FedEx delivery and a follow-up status letter by USPS delivery. However, the inventor did not respond to the request to sign the declaration therein or the follow-up request. This conduct constitutes a refusal.

Further, the petition includes the required petition fee of \$200. The petition includes a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because it does not satisfy requirement (2). The declaration provided appears to be a composite declaration (e.g., the signatures pages have been combined into a single declaration) rather than the declaration as presented to each inventor. It appears that applicants have not submitted the complete declarations as signed by all inventors. Applicants may have joint inventors execute separate oaths or declarations. However, each oath or declaration as presented to the inventor in its entirety must be presented to the Office so that it can be determined that each makes reference to the fact that the affiant is a joint inventor together with each of the other inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with "A" or "A & B, etc." as the facts may Further, without all pages it is not clear that each inventor was presented with and made the averments on page 1 of the declaration.

If applicants have the complete declarations as presented and signed by the signing inventors, applicants need only supply those on renewed petition. Applicants do not need to again present the complete declaration to any joint inventor who has already been given such and signed such.

Further, if inventor Servesko has now signed a declaration, such declaration is a proper response to this decision. However, applicants still need to provide copies of all the declarations as signed by the inventors to resolve the issue of supplying the Office with a composite declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mai

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By FAX:

(571) 273-8300

Attn: Office of Petitions

ATTN: NANCY JOHNSON

By hand:

Customer Service Window

Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Mançy Johnson

Senior Petitions Attorney

Office of Petitions





Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA GA 30357-0037

MAILED SEP 08 2011

OFFICE OF PETITIONS

In re Application of :

John Partridge, John Reinhard : DECISION ON PETITION

Robert Rodebaugh and Jeff Servesko : UNDER 37 C.F.R. §1.137(b)

Application No. 13/005,173 : and

Filed: January 12, 2011 : DECISION ACCORDING STATUS

Attorney Docket No. 0048 1010.1 : UNDER 37 C.F.R. \$1.47

This is in response to the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" and "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)," both filed August 31, 2011.

The petition under 37 CFR 1.137(b) is GRANTED.

The above-identified application became abandoned effective August 28, 2011 for failure to file replacement drawings in reply to the Notice to File Missing Parts of Application mailed January 27, 2011. The Notice set a period for reply of two (2) months from the mail date of the Notice. An extension of time for response within the fifth month was filed along with the initial petition under 37 CFR 1.47(a) filed August 15, 2011. However, the response did not include replacement drawings as required by the Notice and no replacement drawings were submitted prior to the maximum period for reply.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of replacement drawings (the late surcharge was previously paid); the petition fee; and the required statement of unintentional delay.

The renewed petition under 37 CFR 1.47(a) is GRANTED.

By decision mailed August 26, 2011, the initial petition included the petition fee and the last known address of the nonsigning inventor. However, status under 37 CFR 1.47(a) was refused as the declaration submitted August 15, 2011 appeared to be a composite declaration.

On instant renewed petition, applicant has provided the complete declarations as presented and signed by the signing inventors. The declarations filed August 31, 2011, have been reviewed and found in compliance with § 1.47.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for completion of pre-examination processing, including processing of the responses submitted on petition filed August 15, 2011.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Namycy Johnston

Senior Petitions Attorney

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Paper No.

Mr. Jeff Servesko 5515 Middleton Road Durham NC 27713

MAILED
SEP 08 2011
OFFICE OF PETITIONS

In re Application of :

John Partridge, John Reinhard :

Robert Rodebaugh and Jeff Servesko :

Application No. 13/005,173 : LETTER

Filed: January 12, 2011 : Attorney Docket No. 0048 1010.1 :

Dear Mr. Servesko:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson

Senior Petitions Attorney

Office of Petitions

WOMBLE CARLYLE SANDRIDGE &

RICE, PLLC

ATTN: IP DOCKETING

P.O. BOX 7037

ATLANTA GA 30357-0037

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM Attorney Docket Application Number Filing date: January 12, 2011 13/005,182 HI-0606 Number: (if known): First Named Bong Kul MIN Inventor: LIGHT EMITTING APPARATUS AND LIGHTING SYSTEM APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2. This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web. 1. By filing this petition: Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. 2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet. This request is accompanied by statements of special status for the eligibility requirement. 3. The application contains no more than three (3) independent claims and twenty (20) total claims. 4. The application does not contain any multiple dependent claims. 5. 6. Other attachments: May 18, 2011 Signature 36,168 Name Kim Daniel Registration Number (Print/Typed) Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below* *Total of __2 ___ forms are submitted.

Docket No.: HI-0606 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 1963

Bong Kul MIN and Dung Kwan KIM

Group Art Unit:

2811

Serial No.:

13/005,182

Examiner:

To Be Assigned

Filed:

January 12, 2011

Customer No.:

34610

For: LIGHT EMITTING APPARATUS AND LIGHTING SYSTEM

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

U.S. Patent and Trademark Office Customer Service Window, **MAIL STOP PETITIONS** Randolph Building 401 Dulany Street Alexandria, Virginia 22314

Sir:

Special status is sought under 37 CFR §1.102 because the invention materially contributes to the more efficient utilization and conservation of energy resources.

Respectfully submitted,

KED & ASSOCIATES, LLI

Daniel Y.J. Kim

Registration No. 36,186

Correspondence Address:

P.O. Box 8638

Reston, VA 20195

703 766-3777 DYK/dak

Date: May 18, 2011

Please direct all correspondence to Customer Number 34610

Q:\Documents\2019-1165\280365



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/005,182	01/12/2011	Deung Kwan Kim	HI-0606	1963
	7590 05/25/2011 OCIATES, LLP		EXAM	INER
P.O. Box 8638 Reston, VA 20			ART UNIT	PAPER NUMBER
			2811	
			MAIL DATE	DELIVERY MODE
			05/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

KED & ASSOCIATES, LLP P.O. Box 8638 Reston VA 20195

In re Application of

KIM et al. : DECISION ON PETITION
Application No. 13/005,182 : TO MAKE SPECIAL UNDER
Filed: January 12, 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. HI-0606 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy. The claims do not limited the light emitting device to an LED or semiconductor based light emitting device. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy. Any argument that the claimed invention can be used with LEDs is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Favorable consideration would be given if the claims were amended to specifically require the light emitting device to be an LED or semiconductor based light emitting device.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.

Lee W Voun

Quality Assurance Specialist

Technology Center 2800

Docket No.: HI-0606 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Confirmation No.: 1963

Bong Kul MIN and Dung Kwan KIM Group Art Unit: 2811

Serial No.: 13/005,182 Examiner: To Be Assigned

Filed: January 12, 2011 Customer No.: 34610

For: LIGHT EMITTING APPARATUS AND LIGHTING SYSTEM

PETITION FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

U.S. Patent and Trademark Office Customer Service Window, **MAIL STOP PETITIONS** Randolph Building 401 Dulany Street Alexandria, VA 22314

Sir:

Applicants filed a Petition to Make Special under the Green Technology Pilot Program on May 18, 2011. In response, the Patent Office provided a Decision on Petition dated May 25, 2011 (hereafter the Decision). The Decision states that the previously filed petition lacks Item #4.

Independent claims 1, 2, 8, 9, 11, 16, and 17 have been amended to positively recite a plurality of light emitting diodes (LEDs). Accordingly, Applicants respectfully submit that the claimed features including LEDs contribute to a more efficient utilization of conservation of energy resources. Applicants further believe that the features are clearly set forth in regard to the claimed features and are set forth throughout the specification.

Serial No. 13/005,182 Amendment dated June 14, 2011

Applicants respectfully maintain all the statements made in the Petition filed May 18, 2011. Applicants respectfully request that the Petition filed May 18, 2011 be granted in view of the above.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees (including any petition fee) due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,

KED & ASSOCIATES, LLP

Daniel Y.I. Kim Registration No. 36,186

Correspondence Address:

P.O. Box 8638

Reston, VA 20195

703 766-3777 DYK/dak

Date: June 14, 2011

Please direct all correspondence to Customer Number 34610
Q:\Documents\2019-1165\284127



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/005,182	01/12/2011	Deung Kwan Kim	HI-0606	1963
34610 KED & ASSO			EXAM	INER
P.O. Box 8638 Reston, VA 20			ART UNIT	PAPER NUMBER
			2811	
				•
			MAIL DATE	DELIVERY MODE
			06/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

KED & ASSOCIATES, LLP P.O. Box 8638 Reston VA 20195

In re Application of

KIM et al : DECISION ON PETITION
Application No. 13/005,182 : TO MAKE SPECIAL UNDER
Filed: February 24, 2011 : THE GREEN TECHNOLOGY

Attorney Docket No. HI-0606 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 2011 and renewed on June 14, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 - 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action on the merits commensurate with this decision.

Lee W. Young

Quality Assurance Specialist Technology Center 2800

M+N BIT PROGRAMMING AND M+L BIT READ FOR M BIT MEMORY CELLS

RELATED APPLICATIONS

[0001] This Application is a Continuation of U.S. Application Serial No. 12/638,603, titled "M+N BIT PROGRAMMING AND M+L BIT READ FOR M BIT MEMORY now, U.S. Patent No. 7,872,912 CELLS," filed December 15, 2009 (allowed), which is a Continuation of U.S. Patent No. 7,633,798, titled "M+N BIT PROGRAMMING AND M+L BIT READ FOR M BIT MEMORY CELLS," issued December 15, 2009, which are commonly assigned and incorporated herein by reference.

TECHNICAL FIELD

[0002] The present disclosure relates generally to semiconductor memory, and in particular, the present disclosure relates to solid state non-volatile memory devices and systems utilizing analog signals to communicate data values of two or more bits of information.

BACKGROUND

[0003] Electronic devices commonly have some type of bulk storage device available to them. A common example is a hard disk drive (HDD). HDDs are capable of large amounts of storage at relatively low cost, with current consumer HDDs available with over one terabyte of capacity.

[0004] HDDs generally store data on rotating magnetic media or platters. Data is typically stored as a pattern of magnetic flux reversals on the platters. To write data to a typical HDD, the platter is rotated at high speed while a write head floating above the platter generates a series of magnetic pulses to align magnetic particles on the platter to represent the data. To read data from a typical HDD, resistance changes are induced in a magnetoresistive read head as it floats above the platter rotated at high speed. In practice, the resulting data signal is an analog signal whose peaks and valleys are the result of the magnetic flux reversals of the data pattern. Digital signal processing techniques called partial response maximum

automatically granted by EFS-Web	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
REQUEST FOR WITHDRAWAL AS ATTORN CORRESPONDENCE ADDRESS	IEY OR AGENT AND CHANGE OF
13005315	
12-Jan-2011	
Chris Argiro	
2629	
705.000	
ACTIONABLE-OBJECT CONTROLLER AND E TOUCHSCREEN-BASED ELECTRONICS	DATA-ENTRY ATTACHMENT FOR
orney or agent for the above identified pater associated with Customer Number:	nt application and 84649
those described in 37 CFR:	
notice to the client, prior to the expiration of the ployment	response period, that the practitioner(s)
lient or a duly authorized representative of the c	:lient all papers and property (including funds)
of any responses that may be due and the time	frame within which the client must respond
ess and direct all future correspondence to the fir uant to 37 CFR 3.71:	rst named inventor or assignee that has
Chris Argiro	
3 Margaret Avenue	
Toronto	
+	
M2J 4B8	
	REQUEST FOR WITHDRAWAL AS ATTORN CORRESPONDENCE ADDRESS 13005315 12-Jan-2011 Chris Argiro 2629 705.000 ACTIONABLE-OBJECT CONTROLLER AND E TOUCHSCREEN-BASED ELECTRONICS orney or agent for the above identified pater associated with Customer Number: those described in 37 CFR: notice to the client, prior to the expiration of the cloyment lient or a duly authorized representative of the client or a duly authorized representative of the client of any responses that may be due and the time associated all future correspondence to the finant to 37 CFR 3.71: Chris Argiro 3 Margaret Avenue

Signature	/Cliff Hyra/
Name	Clifford D. Hyra
Registration Number	60086



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Decision Date: December 7, 2011

In re Application of : DECISION ON REQUEST TO WITHDRAW AS

Chris Argiro ATTORNEY/AGENTOF RECORD

Application No: 13005315

Filed: 12-Jan-2011 Attorney Docket No: 705.000

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 7, 2011

The request is **APPROVED.**

The request was signed by Clifford D. Hyra (registration no. 60086) on behalf of all attorneys/agents associated with Customer Number 84649 . All attorneys/agents associated with Cusotmer Number 84649 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Chris Argiro

Name2

Address 1 3 Margaret Avenue

Address 2

City Toronto

State

Postal Code M2J 4B8

Country CA

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM			
Attorney Docket Number: Application Number (if known): Application Number Filing date:		Filing date:	
First Named MICHAEL C. WOLD			
Title: PORTABLE REFRIGERATED RIG MAT			
APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.			
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web. 1. By filing this petition:			
Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.			
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.			
3. This request is accompanied by statements of special status for the eligibility requirement.			
4. The application contains no more than three (3) independent claims and twenty (20) total claims.			
5. The application does not contain any multiple dependent claims.			
6. Other attachments:			
-Andrew		January 12, 2011	
Name CHARLES D. McCLUNG (Print/Typed)		Date January 12, 2011 Registration Number 26,568	
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 3.7 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.			
*Total of forms are submitted	d.		

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant: Michael C. Wold Customer No.: 00152

Appl. No.: not yet assigned

Filed: concurrently herewith

Docket No.: 9340.0001

Title: PORTABLE REFRIGERATED RIG MAT

Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

STATEMENT OF SPECIAL STATUS IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

The subject application is directed to a single invention that materially contributes to the quality of the environment in that it provides a portable refrigerated rig mat that can be used year round and yet moved when desired, rather than having to utilize a permanent thermosyphon pad or non-refrigerated rig mats, both of which cause more extensive disruption of the thermafrost substrate.

The application contains three (3) or fewer independent claims and twenty (20) or fewer total claims and does not contain any multiple dependent claims.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL

Dated: January 12, 2011 By By

Charles D. McClung, Reg. No. 26,568 601 SW Second Avenue, Suite 1600

Portland, OR 97204 Tel: (503) 227-5631



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
13/005,365	01/12/2011	MICHAEL C. WOLD	CDM:9340.0001	2341		
CHERNOFF,	CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP 601 SW Second Avenue Suite 1600			EXAMINER		
				PAPER NUMBER		
PORTLAND,	OR 97204-3157		3744			
			MAIL DATE	DELIVERY MODE		
			09/01/2011	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. 80x 1450 Alexandria, VA 2213-1450 www.usblo.gov

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP 601 SW Second Avenue Suite 1600 PORTLAND OR 97204-3157

:

In re Application of

WOLD, MICHAEL C. Application No. 13/005,365

Filed: Jan.12, 2011

Attorney Docket No. CDM:9340.0001

DECISION ON PETITION

TO MAKE SPECIALUNDER

THE GREEN ECHNOLOGY

PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed portable refrigeration mat would enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. It is also not clear where and what the connection is between the claimed mat and the green technology. The claimed mat has nothing to do with green technology.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen Quality Assurance Specialist Technology Center 3700



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/005,380	01/12/2011	Jay Dittmer	3156.61US04AE	2375
24113 7590 02/15/2011 PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.		EXAMINER		
4800 IDS CEN		,		
80 SOUTH 8T	'H STREET		ART UNIT	PAPER NUMBER
MINNEAPOL	IS, MN 55402-2100		3632	
			MAIL DATE	DELIVERY MODE
			02/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

FEB 1 5 2011

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.usplo.gov

Patterson, Thuente, Christensen, Pedersen, P.A. 4800 IDS Center 80 South 8th Street Minneapolis, MN 55402-2100

In re application of Jay Dittmer et al. Application No. 13/005,380

Filed: January 12, 2011

For: ADJUSTABLE PROJECTOR MOUNT

DECISION ON PETITIONTO MAKE SPECIAL FORNEW APPLICATION

UNDER 37 CFR 1.102

This is a decision on the petition filed on January 12, 2011 to make the aboveidentified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is DISMISSED.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

- 1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
- 2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
- 3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
- 4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

- 1. be filed with the application;
- 2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
- 3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
- 4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
- 5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
- 5.3. encompass the disclosed features that may be claimed.
- 6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims:
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference:
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c); 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application); 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.6.3, above.

As to condition II.6.3, there does not appear to be any clear Detailed Explanation of how each claim is patentable over the references. The explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. In addition, any indication of patentability over the prior art references needs to take in to account any distinctions seen as being obvious over any single or a combination of cited references. Some of the dependent claims appear to be taught by some of the pieces of cited prior art. What specifically is present in each claim deemed to be separately patentable needs to be made clear.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at: http://www.uspto.gov/web/patents/accelerated/.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously.

However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,

Quality Assurance Specialist Technology Center 3600

Sm/sm: 2/14/11



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
13/005,380	01/12/2011	Jay Dittmer	3156.61US04AE	2375	
24113 7590 03/21/2011 PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET			EXAMINER		
			ART UNIT	PAPER NUMBER	
MINNEAPOL	IS, MN 55402-2100		3632		
			MAIL DATE	DELIVERY MODE	
			03/21/2011	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

MAR 2 1 2018

Patterson, Thuente, Christensen, Pedersen, P.A. 4800 IDS Center 80 South 8th Street Minneapolis, MN 55402-2100

In re application of Jay Dittmer et al. Application No. 13/005,380

Filed: January 12, 2011

For: ADJUSTABLE PROJECTOR MOUNT

DECISION ON PETITION

TO MAKE SPECIAL FOR

NEW APPLICATION

UNDER 37 CFR 1.102

This is a decision on the renewed petition filed on March 17, 2011, to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renewed petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention

(invention defined by claim 1) as having being constructively elected without traverse for examination.

Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to:

1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process: If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,

Quality Assurance Specialist Technology Center 3600

Sm/sm: 3/21/11



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

In re Application of Gerald A. Rhodes

Application No. 13005597

Filed: January 13,2011

Attorney Docket No. 733.001PA

:

:DECISION ON PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 22-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK NY 10016

MAILED SEP 292011 OFFICE OF PETITIONS

In re Application of

Timo Ahopelto

Application No. 13/005,613

Filed: 01/13/2011

Attorney Docket No. 44427-38-

PCT-US

DECISION REFUSING STATUS

UNDER 37 CFR 1.47(b)

This is a decision in response to PETITION FOR NON-SIGNING INVENTOR UNDER 37 CFR 1.47, filed on August 31, 2011, which is treated as a petition filed under 37 CFR 1.47(b).

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on January 13, 2011, without an executed oath or declaration. Accordingly, on January 31, 2011, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on August 31, 2011, petitioner filed the present petition, surcharge, petition fee, and a five (5) month extension of time.

Petitioner asserts that a copy of the application was sent to the non-signing inventor at both his home and his work addresses. The non-signing inventor, however, sent back an email to

petitioner's counsel stating that he required compensation to review the application and declaration.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
 - (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
 - (5) proof of proprietary interest, and
 - (6) proof of irreparable damage.

The petition lacks item (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

By FAX:

(571) 273-8300

Attn: Office of Petitions

By hand:

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Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22134

A reply may also be filed via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas 1. Wood

Senior Petitions Attorney

Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK NY 10016 MAILED NOV 23 2011 OFFICE OF PETITIONS

In re Application of

Timo Ahopelto : DECISION ACCORDING STATUS

Application Number: 13/005,613 : UNDER 37 CFR 1.47(b)

Filing Date: 01/13/2011

Attorney Docket Number: 44427-

38-PCT-US

This is in response to the renewed petition under 37 CFR 1.47(b) filed on November 13, 2011.

:

The petition is GRANTED.

Petitioner has shown that a copy of the application and declaration were sent to the non-signing inventor, but that the inventor refused to sign and return the executed declaration. An oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by Bruce H. Watrous, Jr., Vice President and Chief IP Counsel, Apple Inc., has been provided. Further, petitioners have provided a statement under 37 CFR 3.73(b) showing that the inventor assigned the invention which is the subject of the instant application for patent to BLYK SERVICES OY, which assigned its interest to CVON INNOVATIONS LIMITED, which assigned its interest to APPLE INC. Lastly, a statement has been provided that the filing of the subject petition is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the renewed petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

Douglas I. Wood

Senior Petitions Attorney

Office of Petitions



Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450

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Timo Ahopelto Myllytie 6 b 8 00140 Helskini FINLAND

MAILED NOV 2 3 2011 OFFICE OF PETITIONS

In re Application of Timo Ahopelto Application No. 13/005,613 Filed: January 13, 2011

For: CONVERSION MANAGEMENT SYSTEM METHOD AND COMPUTER PROGRAM

Dear Mr. Ahopelto:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood Senior Petitions Attorney Office of Petitions

LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK NY 10016



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/005,661	01/13/2011	Duk-Kyu BAE	PW3061578	3001
40401 Hershkovitz &	7590 09/26/2011 Associates IIC		EXAMINER	
Hershkovitz & Associates, LLC 2845 Duke Street			GURLEY, LYNNE ANN	
Alexandria, V	A 22314	314	ART UNIT	PAPER NUMBER
			2811	
	•			
			NOTIFICATION DATE	DELIVERY MODE
			09/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net patent@hershkovitz.net



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

Hershkovitz & Associates, LLC 2845 Duke Street Alexandria VA 22314 In re Application of

BAE et al.

Application No.: 13/005,661 Filed: 13 January 2011

Attorney Docket No.: PW3061578

For: SEMICONDUCTOR LIGHT

EMITTING DEVICE

: DECISION ON REQUEST TO

: PARTICIPATE IN THE PATENT

: PROSECUTION HIGHWAY

: PROGRAM AND PETITION

: TO MAKE SPECIAL UNDER

: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

- 1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

or

- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,

or

- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

- ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
- iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
- 3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1), (4) and (6) above are considered to have been met. However the request to participate in the PPH program fails to meet requirements (2), (3), and (5).

Regarding the requirements of condition (2), Applicant has failed to submit a copy of the allowable/patentable claims from the KIPO application. Applicant has submitted a copy of the claims from the country's application, an English translation of the claims and a statement that the English translation is accurate is present. However, it appears that the claims presented have been rejected and not allowed, based on the KIPO office action which is a rejection.

Regarding the requirements of condition (3), a claims correspondence table in English is present which lists KIPO claims 1-12 and 16 corresponding to claims 1-20 in the US application. It is unclear why a claim number 16 is listed in the KIPO claims listing since no claim 16 is present in the KIPO claims. The listing of claim 16 appears to be a typographical error. With the exception of the KIPO claim 16 listed, all US claims 1-20 have been amended to sufficiently correspond to KIPO claims 1-12. Additionally, the claims are not indicated as allowable/patentable claims.

Regarding the requirements of condition (5), a copy of the KIPO office action, an English translation of the KIPO office action and a statement that the English translation is accurate are present. However, there is no copy of all of the office action(s) from each of the KR application(s) containing the allowable/patentable claim(s); a copy of the Korean office action and an English language translation of the office action are present but these appear to be rejection office actions.

Regarding the requirements of condition (6), since it appears that no references have been listed in the KIPO office action, it appears that the requirements for condition (6) are met. However, Applicant is reminded that to cite on an IDS all references cited by the foreign office, not limited only to the office action provided.

Applicant is given <u>ONE</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Colleen Dunn/

Colleen Dunn Quality Assurance Specialist Technology Center 2800